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## TITLE 18—CONSERVATION OF POWER

### Chapter I—Federal Power Commission

Subchapter F—Accounts, Natural Gas Act  
[Order 155; Docket No. R-118]

PART 201—UNIFORM SYSTEM OF ACCOUNTS  
FOR NATURAL GAS COMPANIES

PART 204—APPLICATION OF UNIFORM SYS-  
TEM OF ACCOUNTS TO CLASS C AND CLASS  
D NATURAL GAS COMPANIES

#### MISCELLANEOUS AMENDMENTS

AUGUST 22, 1950.

In the matter of amendment of uni-  
form system of accounts prescribed for  
natural gas companies subject to the  
provisions of the Natural Gas Act.

In this proceeding, the Commission  
has under consideration proposed  
amendments to Part 201—Uniform Sys-  
tem of Accounts, and Part 204—Appli-  
cation of Uniform System of Accounts  
to Class C and Class D Natural Gas Com-  
panies—of Subchapter F—Accounts,  
Natural Gas Companies, Chapter I, Title  
18, Code of Federal Regulations, to pre-  
scribe therein the changes summarized  
below, and set forth in Attachment Nos.  
2 and 3 to the Notice of Proposed Rule  
Making published in the FEDERAL REGIS-  
TER on May 26, 1950 (15 F. R. 3218-3236)  
In addition to this general notice by  
publication, copies of the notice were  
mailed to natural-gas companies and in-  
terested State and Federal regulatory  
agencies on May 15, 1950.

Six written comments were received  
in response to the Commission's invita-  
tion, contained in the notice, for data,  
views and comments concerning the pro-  
posed amendments. None was adverse,  
and in general these comments indicated  
acceptance of the amendments as being  
desirable and in conformity with sound  
accounting principles and practices.  
One comment stated that the company  
acquiesced in the changes proposed,  
while the others contained a number of  
helpful suggestions for changing and  
clarifying the language of certain of the  
proposed amendments. The Commis-  
sion has considered the proposed amend-  
ments and the comments thereon and  
has adopted a number of the changes  
suggested.

The Commission finds:

(1) The proposed amendments will  
effect needed changes in the Commis-  
sion's Uniform System of Accounts for  
Natural Gas Companies principally by  
making provision for an accounting for  
inventories of natural gas stored under-  
ground, and for account classifications  
for storage plant and expenses; by relo-  
cation and better accounting for prod-  
ucts extraction operations, relocation  
from production expense of credits for  
gas used by the utility; and by making  
other improvements in plant and ex-  
pense classifications including the inclu-  
sion of exploration and development  
costs among production expenses.

(2) The proposed amendments as  
hereinafter adopted are necessary and  
appropriate to carry out the provisions  
of the Natural Gas Act.

The Commission, acting pursuant to  
the authority granted by the Natural  
Gas Act, particularly sections 8, 10, and  
16 thereof (52 Stat. 821, 825, 826 and  
830; 15 U. S. C. 717g, 717i and 717o),  
orders:

(a) Part 201—Uniform System of Ac-  
counts for Natural Gas Companies, Sub-  
chapter F—Accounts, Natural Gas Act,  
Chapter I, Title 18, Code of Federal  
Regulations, be and the same is hereby  
amended to prescribe therein the  
changes set forth below.

(b) Part 204—Application of Uniform  
System of Accounts to Class C and Class  
D Natural Gas Companies, Subchapter  
F—Accounts, Natural Gas Act, Chapter  
I, Title 18, Code of Federal Regulations,  
be and the same is hereby amended to  
prescribe therein the changes set forth  
below.

(c) This order, and the amendments  
to Parts 201 and 204 of Chapter I, Title  
18, Code of Federal Regulations herein  
prescribed shall become effective on  
January 1, 1951.

Date of issuance: September 6, 1950.

By the Commission.

LEON M. FUQUAY,  
Secretary.

PART 201—UNIFORM SYSTEM OF ACCOUNTS  
FOR NATURAL GAS COMPANIES

NOTE: Only the additions to or changes  
in the text of the Uniform System of Ac-  
counts for Natural Gas Companies are set

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forth herein. The first change, as may be noted, is to add a new Account No. 134, Gas Stored Underground, beginning at page 23 of the present pamphlet publication of the System of Accounts, immediately following Account 133, Other Current and Accrued Assets. In the Code of Federal Regulations the new Account 134 will become § 201.134 of Part 201 of Title 18 of the Code.

1. A new § 201.134 is added as follows:

§ 201.134 *Gas stored underground.*  
(a) This account shall include the cost of gas purchased or produced by the utility which is stored in depleted or partially depleted gas or oil fields, or other underground reservoirs, and held for use in meeting service requirements of the utility's customers.

(b) Gas stored during the year shall be priced at cost according to generally

accepted methods of cost determination consistently applied from year to year. Transmission expenses for facilities of the utility used in moving the gas to the storage area and expenses of storage facilities shall not be included in the inventory of gas except as may be authorized by the Commission.

NOTE B-1: In general, gas stored from the supply in an integrated system shall be priced at the average cost of the gas constituting the common supply of the system, although this general rule may be departed from where conditions of system operation of gas supply and utilization permit a valid presumption that the gas stored may be considered to be from specified sources, as indicated below.

NOTE B-2: When in harmony with the over-all system operation of gas supply and utilization, and the presumption is consistently observed from year to year, gas stored during the year may be presumed to be from total gas purchases, or from purchases from specified sources. When either of these presumptions is proper, the cost of gas stored shall be priced at the weighted average cost of all gas purchased, or at the weighted average cost of purchases from the specified sources, as appropriate. The weighted average cost may be the average for the preceding twelve months, except where a significant change occurs in the cost of gas, the full effect of such change shall be reflected for the period after the change is effective.

NOTE B-3: When in harmony with the over-all system operation of gas supply and utilization, and the presumptions are consistently observed from year to year, gas stored during the year may be presumed to be from identified sources of the utility's own production. Such stored gas shall be priced at the weighted average cost of gas produced from the specified production areas. Where this presumption is made, or where the stored gas is identified as a matter of fact under circumstances which do not permit a proper application of the theory of displacement, the utility shall maintain separate records of the cost of gas produced from such areas and the derivation of the cost used for stored gas from such sources.

NOTE B-4: Where gas is purchased specifically for storage, or a price concession received because of the storing of purchased gas, such gas shall be priced at the net contract price of the gas so purchased and stored.

NOTE B-5: The provisions of this instruction and the related footnotes shall not be construed as permitting or authorizing a restatement of the amounts at which stored gas inventories are stated on the utility's books at the effective date of this instruction, except as may be authorized by the Commission.

(c) Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted average cost method, in connection with which a "base stock" may be employed for "cushion gas," provided the method adopted by the utility is used consistently from year to year and the inventory records are maintained in accordance therewith (see paragraph (f) of this section concerning noncurrent portion of stored gas inventory). Approval of the Commission must be obtained for any other pricing method, or change in the pricing method adopted by the utility.

(d) If the gas of any storage project is withdrawn below the amount put in storage, encroaching upon native gas constituting the "gas cushion" of the storage reservoirs, and such gas is to be replaced within twelve months, it is per-

missible to price such native gas withdrawn at the estimated cost of replacement with purchased gas, and to record a deferred credit therefor. For the purposes of this instruction, Gas Withdrawn from Storage—Debit, Account 747.1, should be charged with the estimated cost of such replacement gas and Account 242, Other Deferred Credits, credited. When replacement of the gas is made, the amount in Account 242 should be cleared and Account 134, Gas Stored Underground, credited. This accounting will not affect normal accounting for inputs and withdrawals of gas from storage. The permission granted herein is not applicable, where the "cushion gas" is not native gas present when the reservoir was converted to storage use.

(e) Separate records shall be maintained for each storage project of the Mcf of gas delivered to storage, recovered from storage, and remaining in storage. The projects shall be grouped, however, for the purpose of maintaining inventory records of the cost of gas in storage, unless the storage projects are widely separated and the cost of gas therein varies significantly, in which event cost records shall be maintained for the separate areas.

(f) As of the balance sheet date this account shall be segregated so that there shall be retained in this account only such amount as represents cost of gas appropriately classifiable as a current asset according to conventional rules of classification of current assets, not exceeding the estimated withdrawals of gas from storage for purposes of sale within the succeeding twenty-fourth month period from the date of the balance sheet. That portion of the stored gas in excess of the amount properly includible among current assets shall be classified in plant Account 344, Gas Stored Underground—Noncurrent. Entries to make this segregation shall be made at such times as necessary to prevent that portion of the stored gas inventory includible as a current asset from exceeding the limit specified above: *Provided, however* That it is not required that the entries be made for minor amounts. For all purposes other than balance sheet classification, Account 134, Gas Stored Underground, and 344, Gas Stored Underground—Noncurrent, shall be regarded as a single account for the stored gas inventory.

(g) Amounts debited to this account for gas placed in storage shall be credited to Account 747.2, Gas Delivered to Underground Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to Account 747.1, Gas Withdrawn from Underground Storage—Debit.

(h) Adjustments for inventory losses due to cumulative inaccuracies of gas measurements, or from other causes, shall be accounted for in accordance with the principles stated in General Instruction 6, Delayed Items. In the operation of the storage projects the utility shall maintain such procedures of verification as will disclose and result in prompt accounting recognition of significant losses.

2. In § 201.250:1 paragraph (c) is amended to read as follows:

§ 201.250:1 *Reserve for depreciation of gas plant.* \* \* \*

(c) For balance sheet purposes, this account shall be regarded and treated as a single composite reserve. For purposes of analysis, however, each utility shall maintain records in which the depreciation reserve shall be segregated according to the following functional classification of gas plant: (1) Production—manufactured gas, (2) production and gathering—natural gas, (3) products extraction—natural gas, (4) underground gas storage, (5) local gas storage, (6) transmission, (7) distribution, and (8) general. The credits and debits to the reserve shall be so made as to show separately (1) the amount of the accrual for depreciation, (2) the book cost of property retired, (3) cost of removal, (4) salvage, and (5) other items, including recoveries from insurance.

3. In § 201.312 a note is added as follows:

§ 201.312 *Structures and improvements.* \* \* \*

NOTE: Include relief holders in this account.

4. The headnote of § 201.319 is amended to read "Liquefied petroleum gas equipment."

5. Section 201.325 is redesignated § 201.326 and item 2, Gas mixing equipment, is deleted. A new § 201.325 is added as follows:

§ 201.325 *Gas mixing equipment.* This account shall include the cost installed of equipment used for mixing manufactured and natural gas, or mixing of other gases incident to delivery of such mixed gases to the distribution system.

6. Sections 201.331:2 and 201.331:3 are amended and a new § 201.331:4 is added, as follows:

§ 201.331:2 *Field compressor station structures.* This account shall include the cost of structures and improvements used in connection with the housing of compressor station equipment used to raise the pressure of natural gas before it is conveyed to the terminus of the field lines. (See Gas plant instruction 10.)

§ 201.331:3 *Field measuring and regulating station structures.* This account shall include the cost of structures and improvements used in connection with the housing of meters, regulators, and appurtenant appliances for measuring and regulating natural gas before it is conveyed to the point where it enters the transmission or distribution system. (See Gas plant instruction 10.)

§ 201.331:4 *Other production and gathering system structures.* This account shall include the cost of structures and improvements used in connection with natural gas production and gathering not provided for elsewhere. (See Gas plant instruction 10.)

7. Section 201.333:2 is amended and a new § 201.333:3 is added, as follows:

§ 201.333:2 *Field compressor station equipment.* This account shall include the cost installed of compressor station

equipment and associated appliances used to raise the pressure of natural gas before it is conveyed to the point where it enters the transmission or distribution system.

§ 201.333:3 *Field measuring and regulating station equipment.* This account shall include the cost installed of meters, gages, and other equipment used in measuring and regulating natural gas collected in field lines before it is conveyed to the point where it enters the transmission or distribution system.

8. Section 201.336 is amended to read as follows:

§ 201.336 *Other production and gathering equipment.* This account shall include the cost installed of equipment used in the production and gathering of natural gas, when not assignable to any of the foregoing accounts.

9. Section 201.337 is deleted and new §§ 201.337:1–201.337:8 are added, as follows:

§ 201.337:1 *Land and land rights.* (a) This account shall include the cost of land and land rights used in connection with the processing of natural gas for removal of gasoline, butane, propane, or other salable products. (See Gas plant instruction 9.)

(b) This account shall be subdivided as follows:

337.11 Land.

337.12 Land Rights.

§ 201.337:2 *Structures and improvements.* This account shall include the cost of structures and improvements used in connection with the processing of natural gas for removal of gasoline, butane, propane, or other salable products. (See Gas plant instruction 10.)

§ 201.337:3 *Extraction and refining equipment.* This account shall include the cost installed of equipment used for the extraction from natural gas of gasoline, butane, propane, or other salable products and for the refining of such products.

§ 201.337:4 *Pipe lines.* This account shall include the cost installed of gas and liquids pipe lines used in connection with the processing of natural gas for the removal of gasoline, butane, propane, or other salable products, exclusive of runs of pipe appropriately includible in other equipment accounts.

§ 201.337:5 *Extracted products storage equipment.* This account shall include the cost installed of storage tanks and associated equipment used in the storing, prior to sale, of gasoline, butane, propane, and other salable products extracted from natural gas.

§ 201.337:6 *Compressor equipment.* This account shall include the cost installed of compressor station equipment and associated appliances used in connection with the receipt, processing, and return of natural gas processed for removal of gasoline, butane, propane, or other salable products.

§ 201.337:7 *Gas measuring and regulating equipment.* This account shall include the cost installed of meters,

gages, and other equipment used in measuring or regulating natural gas received and/or returned from processing for removal of gasoline, butane, propane, or other salable products.

§ 201.377:8 *Other equipment.* This account shall include the cost installed of equipment used in processing natural gas and refining gasoline, butane, propane, and other salable products extracted from natural gas, when not assignable to any of the foregoing accounts.

10. The accounts under the heading "Storage plant" are changed so that §§ 201.341 and 201.342 are revised and new §§ 201.343:1 to 201.349 are added as follows:

#### STORAGE PLANT

##### *Underground Storage Plant*

§ 201.341 *Land and land rights.* (a) This account shall include the cost of land, leaseholds, rights, and rights-of-way, used in connection with the storage of gas in depleted or partially depleted gas or oil fields or other underground reservoirs. (See Gas plant instruction 9.)

(b) This account shall be subdivided as follows:

341.1 Underground Storage Land.

341.2 Underground Storage Leaseholds.

341.3 Underground Storage Rights.

341.4 Underground Storage Rights-of-Way.

§ 201.342 *Structures and improvements.* (a) This account shall include the cost in place of structures and improvements used wholly or predominantly in connection with underground storage of natural gas. (See Gas plant accounts instruction 10.)

(b) This account shall be subdivided as follows:

342.1 Underground Storage Well Structures.

342.2 Underground Storage Compressor Station Structures.

342.3 Underground Storage Measuring and Regulating Station Structures.

342.4 Other Underground Storage Structures.

§ 201.343:1 *Underground storage well construction.* This account shall include the drilling cost of wells used for injection and withdrawal of gas from underground storage projects.

§ 201.343:2 *Underground storage well equipment.* This account shall include the equipment cost of wells used for injection and withdrawal of gas from underground storage projects.

§ 201.343:3 *Underground storage lines.* This account shall include the cost installed of gas pipe lines used wholly or predominantly for conveying gas from point of connection with transmission or field lines to underground storage wells and from underground storage wells to the point where the gas enters the transmission or distribution system.

§ 201.343:4 *Underground storage compressor station equipment.* This account shall include the cost installed of compressor station equipment used wholly or predominantly for the purpose of raising the pressure of gas for delivery to underground storage or to raise the pressure of gas withdrawn from under-

ground storage for delivery to the transmission or distribution system.

§ 201.343:5 *Underground storage measuring and regulating equipment.* This account shall include the cost installed of equipment used wholly or predominantly for the purpose of measuring and regulating deliveries of gas to underground storage and withdrawals of gas from underground storage.

§ 201.343:6 *Underground storage purification equipment.* This account shall include the cost installed of apparatus used wholly or predominantly for the removal of impurities from and the conditioning of, gas delivered to or removed from underground storage fields including pumps, water wells, and other accessory apparatus.

§ 201.343:7 *Other underground storage equipment.* This account shall include the cost installed of equipment used wholly or predominantly in connection with underground storage of gas, when not assignable to any of the foregoing accounts.

§ 201.344 *Gas in underground storage; noncurrent.* (a) This account shall include, as of the balance sheet date, the cost of gas in underground storage in excess of that properly classifiable as a current asset according to conventional rules of classification of current assets. (See Account 134, Gas Stored Underground.)

(b) No entries shall be made to this account for deliveries to and withdrawals from storage. All such entries shall be made to Account 134, and this account used solely for the purpose of classification of that portion of the total stored gas inventory not classifiable as a current asset in accordance with the instruction of Account 134.

##### *Local Storage Plant*

§ 201.345 *Land and land rights.* (a) This account shall include the cost of land and land rights used in connection with local storage of gas in holders within or adjacent to distribution areas. (See Gas plant instruction 9.)

(b) This account shall be subdivided as follows:

345.1 Land.

345.2 Land Rights.

§ 201.346 *Structures and improvements.* This account shall include the cost in place of structures and improvements used in connection with local storage of gas within or adjacent to distribution areas. (See Gas plant instruction 10.)

§ 201.347 *Gas holders.* This account shall include the cost installed of holders and associated appliances used in the storage above ground, or in underground receptacles installed for local storage purposes.

NOTE A. If the utility stores gas by the liquefaction process the holders for such liquids, whether above or below ground, shall be included in a separate subaccount hereunder.

NOTE B: Relief holders used in connection with manufactured gas operations shall be included in Account 312, Structures and Improvements—Manufactured Gas.

§ 201.348 *Liquefaction and regasification equipment.* This account shall include the cost installed of equipment used to liquefy natural or other gases for storage purposes and to regasify such liquids.

§ 201.349 *Other local gas storage equipment.* This account shall include the cost installed of other equipment used in connection with the storage of gas within or adjacent to distribution areas.

11. Section 201.352 is amended to read as follows:

§ 201.352 *Structures and improvements.* (a) This account shall include the cost in place of structures and improvements used in connection with transmission operations. (See Gas plant instruction 10.)

(b) This account shall be subdivided as follows:

- 352.1 Compressor Station Structures.
- 352.2 Measuring and Regulating Station Structures.
- 352.3 Other structures.

12. Section 201.354 is redesignated §§ 201.354:1 and 201.354:2 and revised, and a new § 201.355 is added, as follows:

§ 201.354:1 *Compressor station equipment.* This account shall include the cost installed of compressor station equipment and associated appliances used in connection with transmission system operations.

§ 201.354:2 *Measuring and regulating station equipment.* This account shall include the cost installed of meters, gages, and other equipment used in measuring or regulating gas in connection with transmission system operations.

§ 201.355 *Other transmission system equipment.* This account shall include the cost installed of equipment used in transmission system operations, when not assignable to any of the foregoing accounts.

13. Under the headnote "Distribution Plant" a new subheadnote and new §§ 201.356:1 to 201.356:3 are added, as follows:

#### DISTRIBUTION PLANT

##### *City Gate and Main Line Industrial Measuring and Regulating Stations*

§ 201.356:1 *Land and land rights.* (a) This account shall include the cost of land and land rights used in connection with city gate and main line industrial measuring and regulating stations. (See Gas plant instruction 9.)

(b) This account shall be subdivided as follows:

- 356.11 Land.
- 356.12 Land Rights.

§ 201.356:2 *Structures and improvements.* This account shall include the cost in place of structures and improvements used in connection with city gate and main line industrial measuring and regulating stations. (See Gas plant instruction 10.)

§ 201.356:3 *Measuring and regulating station equipment.* This account shall include the cost installed of meters,

gages, and other equipment used in measuring and regulating gas at city gate and main line industrial measuring and regulating stations.

14. A new subheadnote is added above § 201.360, and § 201.360 is redesignated §§ 201.360:1 and 201.360:2 and revised, as follows:

#### *General Distribution System Plant*

§ 201.360:1 *Distribution system compressor station equipment.* This account shall include the cost installed of compressor station equipment and associated appliances used in connection with distribution system operations.

§ 201.360:2 *Distribution system measuring and regulating station equipment.* This account shall include the cost installed of meters, gages, and other equipment used in measuring and regulating gas in connection with distribution system operations other than the measurement of gas deliveries to customers.

15. Section 201.366 is redesignated § 201.366:2 and a new § 201.366:1 is added, as follows:

§ 201.366:1 *Industrial measuring and regulating station equipment.* This account shall include the cost of special and expensive installations of measuring and regulating station equipment, located on the distribution system, serving large industrial customers.

NOTE: Do not include in this account measuring and regulating station equipment serving main line industrial customers. (See Account 356.3.)

§ 201.366:2 *Other property on customers' premises.* \* \* \*

16. Section 201.367 is revoked and § 201.363 is redesignated § 201.367 and revised, as follows:

§ 201.367 *Other distribution system equipment.* This account shall include the cost installed of all other distribution system equipment not provided for in the foregoing accounts, including street lighting equipment.

17. In 201.503:1 paragraph (b) is amended to read as follows:

§ 201.503:1 *Depreciation.* \* \* \*

(b) This account shall be subdivided as follows:

- 503.11 Depreciation of Production Plant—Manufactured Gas.
- 503.12 Depreciation of Production Plant—Production and Gathering of Natural Gas.
- 503.13 Depreciation of Production Plant—Products Extraction, Natural Gas.
- 503.14 Depreciation of Storage Plant—Underground Gas Storage.
- 503.15 Depreciation of Storage Plant—Local Storage.
- 503.16 Depreciation of Transmission Plant.
- 503.17 Depreciation of Distribution Plant.
- 503.18 Depreciation of General Plant.

18. Sections 201.510 to 201.513 are redesignated §§ 201.739:1 to 201.739:4.

19. Section 201.616 is redesignated § 201.618:1, a new § 201.616 is added, the headnote of § 201.617 is amended, and § 201.618 is redesignated § 201.618:2, as follows:

§ 201.616 *Sales of products extracted from natural gas.* (a) This account

shall include revenues from sales from gasoline, butane, propane, and other products extracted from natural gas, net of allowances, adjustments and discounts.

(b) This account shall be subdivided as follows:

- 616.1 Gasoline Sales.
- 616.2 Butane Sales.
- 616.3 Propane Sales.
- 616.4 Other Extracted Products Sales.

§ 201.617 *Revenues from natural gas processed by others.* \* \* \*

§ 201.618:1 *Incidental gasoline sales.* \* \* \*

§ 201.618:2 *Incidental oil sales.* \* \* \*

20. The headnote of § 201.704:2A is amended to read: "*Liquefied petroleum gas regasifying labor.*"

21. A new § 201.706BA is added, as follows:

§ 201.706BA *Gas mixing labor.* This account shall include the pay of employees engaged in operating equipment used to mix natural and manufactured gas, or any other mixtures of natural, manufactured, or liquefied petroleum gases, for delivery to the distribution system.

22. Section 201.713BA is redesignated § 201.714:1BA, a new § 201.713BA is added, and § 201.714BA is redesignated § 201.714:2BA, as follows:

§ 201.713BA *Fuel for liquefied petroleum gas processes.* This account shall include the cost of fuel for the gasification of liquefied petroleum gas and for the compression of air in liquid petroleum gas processes.

§ 201.714:1BA *Coal carbonized in retorts.* \* \* \*

§ 201.714:2BA *Coal carbonized in coke ovens.* \* \* \*

23. In § 201.726:5A the headnote is amended and reference to plant account amended, as follows:

§ 201.726:5A *Maintenance of liquefied petroleum gas equipment.* \* \* \* Account 319, Liquefied Petroleum Gas Equipment.

24. The headnote of § 201.727B is revised and § 201.727:3A is amended to read as follows:

§ 201.727B *Maintenance of other equipment.*

§ 201.727:3A *Maintenance of other gas equipment.* This account shall include the cost of maintenance of equipment, the book cost of which is included in Account 325, Gas Mixing Equipment, and Account 326, Other Production Equipment.

25. Section 201.732BA is revoked.

26. Sections 201.733BA to 201.734:2A are redesignated §§ 201.733:1BA to 201.733:22A, § 201.734:3 is revoked, §§ 201.733:23A to 201.733:26A are added, and a subheadnote is added immediately above § 201.733:1BA, as follows:

*Natural Gas Production and Gathering Operation*

§ 201.733:1BA *Operation supervision and engineering.* \* \* \*



§ 201.733:2B *Operation labor*

§ 201.733:21A *Gas well labor* \* \* \*

§ 201.733:22A *Field line labor* \* \* \*

§ 201.733:23A *Field compressor station labor* This account shall include the pay of employees engaged in operating field compressor stations.

§ 201.733:24A *Field measuring and regulating station labor* This account shall include the pay of employees engaged in operating field measuring and regulating stations.

§ 201.733:25A *Purification labor*. This account shall include the pay of employees engaged in the purification of natural gas.

§ 201.733:26A *Other production and gathering labor* This account shall include the pay of employees not provided for elsewhere, whose services are used in connection with the production and gathering of natural gas.

27. Section 201.734:4A is revoked, §§ 201.735B to 201.735:2A are redesignated §§ 201.733:3B to 201.733:32A, § 201.735:3A is revoked, §§ 201.733:33A to 201.733:36A are added, §§ 201.735:4A, 201.736BA, and 201.738BA are revoked, and § 201.737BA is redesignated § 201.733:4BA, as follows:

§ 201.733:3B *Operating supplies and expenses*.

§ 201.733:31A *Gas well supplies and expenses*. \* \* \*

§ 201.733:32A *Field line supplies and expenses*. \* \* \*

§ 201.733:33A *Field compressor station supplies and expenses*. This account shall include the cost of fuel and supplies used and expenses incurred in the operation of field compressor stations.

§ 201.733:34A *Field measuring and regulating station supplies and expenses*. This account shall include the cost of supplies used and expenses incurred in the operation of field measuring and regulating stations.

§ 201.733:35A *Purification supplies and expenses*. This account shall include the cost of supplies used and expenses incurred in connection with the purification of natural gas.

§ 201.733:36A *Other operating supplies and expenses*. This account shall include the cost of supplies used and expenses incurred in connection with the production and gathering of natural gas not includible in any other production and gathering expense account.

§ 201.733:4BA *Production maps and records*. \* \* \*

28. §§ 201.739BA to 201.740:1A are redesignated §§ 201.734:1BA to 201.734:21A, § 201.740:2A is revoked, and new §§ 201.734:22A to 201.734:24A are added, as follows:

§ 201.734:1BA *Maintenance supervision and engineering*. \* \* \*

§ 201.734:2B *Maintenance of structures and improvements*.

§ 201.734:21A *Maintenance of gas well structures*. \* \* \*

§ 201.734:22A *Maintenance of field compressor station structures*. This account shall include the cost of maintenance of buildings used for housing field compressor station equipment, the book cost of which is included in Account 331.2, Field Compressor Station Structures.

§ 201.734:23A *Maintenance of field measuring and regulating station structures*. This account shall include the cost of maintenance of buildings used for housing field measuring and regulating station equipment, the book cost of which is included in Account 331.3, Field Measuring and Regulating Station Structures.

§ 201.734:24A *Maintenance of other production and gathering system structures*. This account shall include the cost of maintenance of all other production and gathering system structures, the book cost of which is included in Account 331.4, Other Production and Gathering System Structures.

29. Section 201.740:3A is revoked, §§ 201.741:3A to 201.742:1A are redesignated §§ 201.734:3BA to 201.734:41A, § 201.734:2A is revoked, and new §§ 201.734:42A and 201.734:43A are added, as follows:

§ 201.734:3BA *Maintenance of producing gas well equipment*. \* \* \*

§ 201.734:4B *Maintenance of field lines and equipment*.

§ 201.734:41A *Maintenance of field lines*. \* \* \*

§ 201.734:42A *Maintenance of field compressor station equipment*. This account shall include the cost of maintenance of field compressor station equipment, the book cost of which is included in Account 333.2, Field Compressor Station Equipment.

§ 201.734:43A *Maintenance of field measuring and regulating station equipment*. This account shall include the cost of maintenance of field measuring and regulating station equipment, the book cost of which is included in Account 333.3, Field Measuring and Regulating Station Equipment.

30. Section 201.743BA is redesignated § 201.734:5BA, § 201.744BA is revoked, and §§ 201.734:6BA and 201.734:7BA are added, as follows:

§ 201.734:5BA *Maintenance of drilling and cleaning equipment*. \* \* \*

§ 201.734:6BA *Maintenance of purification equipment*. This account shall include the cost of maintenance of purification equipment, the book cost of which is included in Account 335, Purification Equipment.

§ 201.734:7BA *Maintenance of other production and gathering equipment*. This account shall include the cost of maintenance of equipment the book cost of which is included in Account 336, Other Production and Gathering Equipment.

31. Sections 201.745BA, 201.746BA, 201.748:1BA and 201.748:2BA are redesignated §§ 201.735:1BA to 201.735:4BA, §§ 201.747:1BA to 201.747:3BA, and 201.749BA are revoked, and in redesignated § 201.735:2BA the note is amended, as follows:

§ 201.735:1BA *Gas well royalties*. \* \* \*

§ 201.735:2BA *Natural gas rents*. \* \* \*

NOTE: See Account 739.1, Delay Rentals, for rentals paid on lands held for the supply of natural gas.

§ 201.735:3BA *Joint expenses; debit*. \* \* \*

§§ 201.735:BA *Joint expenses; credit*. \* \* \*

32. A subheadnote and new §§ 201.736:1BA to 201.738:8BA are added as follows:

#### Products Extraction

§ 201.736:1BA *Operation supervision and engineering*. This account shall include the cost of supervising and directing operation of natural gas products extraction facilities. (See Operating Expense Instruction 4.)

§ 201.736:2BA *Operation labor* This account shall include the pay of employees engaged in operating facilities for the extraction of gasoline, butane, propane, or other salable products from natural gas.

§ 201.736:3BA *Gas shrinkage*. (a) This account shall include the cost of gas lost or absorbed in the process of extraction of salable products from natural gas, exclusive of gas used as fuel, the cost of which shall be included in Account 736.4, Fuel.

(b) Concurrent credits offsetting charges to this account shall be made to Account 748.2, Gas Used in Products Extraction Process—Credit.

§ 201.736:4BA *Fuel*. (a) This account shall include the cost of natural gas or other fuel used in the processes for extracting gasoline, butane, propane, or other salable products from natural gas, including fuel used for generation of electricity.

(b) Concurrent credits offsetting charges to this account shall be made to Account 748.2, Gas Used in Products Extraction Process—Credit.

§ 201.736:5BA *Power* This account shall include the cost of electricity purchased for operation of facilities used in the extraction of gasoline, butane, propane, or other salable products from natural gas.

§ 201.736:6BA *Production materials and supplies*. This account shall include the cost of absorption oil, charcoal, or other materials used in recovering gasoline, butane, propane, or other salable products from natural gas, except materials used for fuel or power which are includible in Accounts 736.4 or 736.5.

§ 201.736:7BA *Other supplies and expenses*. This account shall include the cost of supplies consumed and expenses incurred in the operation of facilities for extraction of gasoline, butane, propane, or other salable products from natural gas not provided for elsewhere.

§ 201.737:1BA *Maintenance supervision and engineering*. This account shall include the cost of supervising and

directing maintenance of facilities for the extraction of gasoline, butane, propane, or other salable products from natural gas. (See operating expense instruction 4.)

§ 201.737:2BA *Maintenance of structures and improvements.* This account shall include the cost of maintenance of buildings used for housing products extraction equipment, the book cost of which is included in Account 337.2, Structures and Improvements.

§ 201.737:3BA *Maintenance of equipment.* This account shall include the cost of maintenance of products extraction and refinancing equipment, the book cost of which is included in Accounts 337.3, 337.4, 337.5, 337.6, 337.7, and 337.8.

§ 201.738:1BA *Products purchased for resale.* This account shall include the cost of gasoline, butane, propane, or other salable products purchased from others for resale.

§ 201.738:2BA *Variation in products inventory; Dr or Cr.* (a) This account shall include credits for increases and debits for decreases in the inventories of gasoline, butane, propane, or other salable products extracted from natural gas or purchased for resale. The net debit or credit in this account shall equal the difference between the inventory at the beginning of the accounting year and the end of the current month.

(b) The basis of inventory valuation of products on hand at the end of the accounting period may be according to any commonly accepted method of inventory valuation for accounting purposes, provided the method adopted is followed consistently from year to year.

§ 201.738:3BA *Royalties on products extracted.* (a) This account shall include royalties paid by the utility to others for the right to extract salable products from natural gas.

(b) Records supporting entries to this account shall be so kept that the utility can furnish the names of the parties to each contract involving royalties, the terms of each contract, the method of determining the royalties, and the amounts payable.

§ 201.738:4BA *Selling expenses.* This account shall include the pay and expenses of employees engaged in the marketing of salable products extracted from natural gas, tank car rentals, freight and hauling charges paid by the utility on products sold, and other expenses of marketing extracted products, excluding, however, any allocation of administrative and general expenses of the utility.

§ 201.738:5BA *Rents.* This account shall include all rents for the property of others used, occupied, or operated in connection with the extraction of products from natural gas. (See Operating expense instruction 5.)

§ 201.738:6BA *Extracted products used by the utility; credit.* This account shall include concurrent credits for charges which are made to operating expenses or other accounts of the gas department for gasoline or other extracted

products used from stocks recovered in the natural gas extraction processes or purchased for resale. (See Operating revenue instruction 5.)

NOTE: The records supporting this account shall be kept in such manner as to enable the natural gas company to report the offsetting debits by accounts affected.

§ 201.738:7BA *Joint expenses; debit.* (a) This account shall include amounts payable by the gas department to others or to a coordinate department for joint facilities used, occupied, or operated in connection with the products extraction operations. (See Operating expenses instruction 6.)

(b) The records supporting the entries to this account shall be so kept that the utility can furnish a complete explanation of the debits to this account, including the following:

Charges from Others.  
Charges from Coordinate Departments.

§ 201.738:8BA *Joint expenses; credit.* (a) This account shall include such portion of the cost of operating and maintaining joint facilities, operated in connection with products extraction operations as is charged to others, or to a coordinate department. (See Operating expense instruction 6.)

(b) The records supporting the entries to this account shall be so kept that the utility can furnish a complete explanation of the credits to this account, including the following:

Charges to Others.  
Charges to Coordinate Departments.

33. A new subheadnote is added immediately above §§ 201.739:1BA to 201.739:4BA (redesignated from §§ 201-510 to 201.513) as follows:

#### Exploration and Development

§ 201.739:1BA *Delay rentals.* \* \* \*

§ 201.739:2BA *Nonproductive well drilling.* \* \* \*

§ 201.739:3BA *Abandoned leases.* \* \* \*

§ 201.739:4BA *Other exploration costs.* \* \* \*

34. The headnote "Other Production Expenses" is amended to read "Other Gas Supply Expenses" §§ 201.750BA to 201.754BA are revoked and a new § 201.745BA is added, as follows:

#### Other Gas Supply Expenses

§ 201.745BA *Purchased gas.* (a) This account shall include the cost, at point of receipt by the utility, of all gas purchased including charges for readiness to serve, also amounts payable to others for their gas sold by the accounting utility under agency agreements.

(b) When the contract is a reciprocal one, i. e., when either party thereto may take gas from the other, the amount payable for the gross quantity of gas received shall be charged hereto in each accounting period and the amount receivable for the gross quantity supplied to the other party shall be included in the appropriate revenue account.

(c) The records supporting the entries to this account shall be so kept as to show for each company from which gas is

obtained the type of gas, the point of delivery, the quantity thereof, the basis of the charges, and the amount payable therefor.

(d) This account shall be subdivided by classes A and B utilities as indicated below:

B 745.1 *Purchased Gas—Natural Gas.*  
A 745.11 *Field Purchases.*  
A 745.12 *Gasoline Plant Outlet Purchases.*  
A 745.13 *Pipeline Purchases—Transmission Lines.*  
A 745.14 *City Gate Purchases.*  
B 745.2 *Purchased Gas—Other Gas.*

35. Section 201.755BA is redesignated § 201.746BA and amended to read as follows:

§ 201.746BA *Purchased gas expenses.* (a) This account shall include expenses incurred directly in connection with the purchase of gas for resale.

(b) The utility shall not include as purchased gas expense, segregated or apportioned expenses of operating and maintaining gathering system plant whether such plant is devoted solely or partially to purchases of gas, except that it shall be permissible to include the cost of turning on and off purchase gas wells and the operation and maintenance of measuring stations devoted exclusively to measuring purchased gas.

(c) In general it is intended that this account include only the expenses of measuring purchased gas, including the expenses of computing gas volumes, and special items directly related to gas purchases which are not includible in other accounts.

(d) This account shall be subdivided as follows:

746.1 *Wells Expenses—Purchased Gas.*  
746.2 *Operation and Maintenance of Purchased Gas Measuring Stations.*  
746.3 *Purchased Gas Calculations Expenses.*  
746.4 *Other Purchased Gas Expenses.*

36. Section 201.756BA is revoked.

37. Sections 201.747:1BA to 201.749BA are added as follows:

§ 201.747:1BA *Gas withdrawn from underground storage; debit.* (a) This account shall include debits for the cost of gas withdrawn from underground storage during the year. Contra credits for entries to this account shall be made to Account 134, Gas Stored Underground. (See Account 134, Gas Stored Underground.)

(b) Withdrawals of gas from storage shall not be netted against deliveries to storage. (See Account 747.2.)

§ 201.747:2BA *Gas delivered to underground storage; credit.* (a) This account shall include credits for the cost of gas delivered to underground storage during the year. Contra debits for entries to this account shall be made to Account 134, Gas Stored Underground. (See Account 134, Gas Stored Underground.)

(b) Deliveries of gas to storage shall not be netted against withdrawals from storage. (See Account 747.1.)

§ 201.748BA *Gas used in utility operations; credit.* (a) This account shall include concurrent credits for charges which are made to operating expenses or other accounts of the gas department for gas consumed from the common system

## RULES AND REGULATIONS

supply for operating or other utility purposes. (See Plant instruction 5 and Operating revenue instruction 5.)

(b) This account shall be subdivided as follows:

748.1 Gas Used for Transmission Compressor Fuel—Credit.

748.2 Gas Used in Products Extraction Process—Credit.

748.3 Gas for Other Utility Uses—Credit.

§ 201.749BA *Other gas supply expenses.* This account shall include the cost of labor, supplies, and other expenses incurred in the operation and maintenance of gas supply facilities not provided for elsewhere.

38. Sections 201.757;1BA and 201.757:2BA as redesignated §§ 201.750BA and 201.751BA, as follows:

\* § 201.750BA *Joint expenses; debit.*

\* § 201.751BA *Joint expenses; credit.*

39. New headnotes and §§ 201.755:1BA to 201.758:11BA are added as follows:

## STORAGE EXPENSES

*Underground Storage Expenses*  
Operation

§ 201.755:1BA *Operation supervision and engineering.* This account shall include the cost of supervising and directing the operation of underground gas storage facilities. (See Operating expense instruction 4.)

§ 201.755:2B *Operation labor*

§ 201.755:21A *Storage well labor* This account shall include the pay of employees engaged in the operation of gas storage wells.

§ 201.755:22A *Storage lines labor* This account shall include the pay of employees engaged in the operation of underground storage pipe lines. (See Account 343.3.)

§ 201.755:23A *Storage compressor station labor* This account shall include the pay of employees engaged in operating compressor stations used for the underground storage of gas. (See account 343.4.)

§ 201.755:24A *Storage measuring and regulating station labor* This account shall include the pay of employees engaged in operating measuring and regulating stations used in connection with the underground storage of gas. (See Account 343.5.)

§ 201.755:25A *Other storage labor* This account shall include the pay of employees engaged in underground storage operations not provided for elsewhere.

§ 201.755:3B *Operation supplies and expenses.*

§ 201.755:31A *Storage well supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in the operation of gas wells used for the underground storage of gas.

§ 201.755:32A *Storage lines supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in the operation of underground storage pipelines. (See Account 343.3.)

§ 201.755:33A *Storage compressor station supplies and expenses.* This account shall include the cost of fuel consumed, supplies used, and expenses incurred in the operation of compressor stations used for the underground storage of gas. (See Account 343.4.)

§ 201.755:34A *Storage measuring and regulating station supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in the operation of measuring and regulating stations used in connection with the underground storage of gas. (See Account 343.5.)

§ 201.755:35A *Other storage operation supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in connection with underground storage operations not provided for elsewhere.

§ 201.755:4BA *Nonoperative storage well drilling.* This account shall include the cost of drilling nonoperative wells in the underground storage areas during the period covered by the income account.

NOTE: Records in support of the charges to this account shall conform, as appropriate, to paragraph B of General Instruction 11, Records for Each Plant.

§ 201.755:5BA *Storage maps and records.* This account shall include salaries paid and expenses incurred in connection with the preparation of storage maps and records, including the cost of stationery, drawing materials, etc.

## Maintenance

§ 201.756:1BA *Maintenance supervision and engineering.* This account shall include the cost of supervising and directing the maintenance of underground gas storage facilities. (See Operating expense instruction 4.)

§ 201.756:2B *Maintenance of structures and improvements.*

§ 201.756:21A *Maintenance of storage well structures.* This account shall include the cost of maintenance of storage well structures, the book cost of which is included in Account 342.1, Underground Storage Well Structures.

§ 201.756:22A *Maintenance of storage compressor station structures.* This account shall include the cost of maintenance of storage compressor station structures, the book cost of which is included in Account 342.2, Underground Storage Compressor Station Structures.

§ 201.756:23A *Maintenance of storage measuring and regulating station structures.* This account shall include the cost of maintenance of storage measuring and regulating station structures, the book cost of which is included in Account 342.3, Underground Storage Measuring and Regulating Station Structures.

§ 201.756:24A *Maintenance of other storage structures.* This account shall include the cost of maintenance of other underground gas storage structures, the book cost of which is included in Account 342.4, Other Underground Storage Structures.

§ 201.756:3BA *Maintenance of storage well equipment.* This account shall include the cost of maintenance of property, the book cost of which is included in Account 343.2, Underground Storage Well Equipment.

§ 201.756:4B *Maintenance of storage lines and equipment.*

§ 201.756:41A *Maintenance of storage lines.* This account shall include the cost of maintenance of property, the book cost of which is included in Account 343.3, Underground Storage Lines.

§ 201.756:42A *Maintenance of storage compressor station equipment.* This account shall include the cost of maintenance of property, the book cost of which is included in Account 343.4, Underground Storage Compressor Station Equipment.

§ 201.756:43A *Maintenance of storage measuring and regulating equipment.* This account shall include the cost of maintenance of property the book cost of which is included in Account 343.5, Underground Storage Measuring and Regulating Equipment.

§ 201.756:44A *Maintenance of other storage equipment.* This account shall include the cost of maintenance of property, the book cost of which is included in Accounts 343.6, Underground Storage Purification Equipment, and 343.7, Other Underground Storage Equipment.

## Miscellaneous

§ 201.757:1BA *Underground gas storage rents.* (a) This account shall include rents and other payments includible in operating expenses for use of property of others in underground gas storage operations.

(b) This account shall be subdivided by Class A utilities as follows:

757.11 Storage Well Royalties.

757.12 Storage Lease Rentals.

757.13 Other Storage Rents.

§ 201.757:2BA *Joint expenses; debit.* (a) This account shall include amounts payable by the gas department to others or to a coordinate department for joint facilities used, occupied, or operated in connection with the underground storage of gas. (See Operating expense instruction 6.)

(b) The records supporting entries to this account shall be so kept that the utility can furnish a complete explanation of the debits to this account, including the following:

Charges from Others.

Charges from Coordinate Departments.

§ 201.757:3BA *Joint expenses; credit.* (a) This account shall include such portion of the cost of operating and maintaining joint facilities operated by the gas department in connection with the underground storage of gas as is charged to others or to coordinate departments. (See Operating expense instruction 6.)

(b) The records supporting the entries to this account shall be so kept that the utility can furnish a complete explanation of the credits to this account, including the following:

Charges to Others.

Charges to Coordinate Departments.



*Local Storage Expenses**Operation*

§ 201.758:1BA *Operation supervision and engineering.* This account shall include the cost of supervising and directing the operation of surface gas storage facilities at or adjacent to local distribution systems.

§ 201.758:2BA *Operation labor.* This account shall include the pay of employees engaged in the operation of surface gas storage facilities at or adjacent to local distribution systems.

§ 201.758:3BA *Operation supplies and expenses.* This account shall include the cost of supplies consumed and expenses incurred in the operation of surface gas storage facilities at or adjacent to local distribution systems.

*Maintenance*

§ 201.758:4BA *Maintenance supervision and engineering.* This account shall include the cost of supervising and directing the maintenance of local gas storage facilities. (See Operating expense instruction 4.)

§ 201.758:5BA *Maintenance of structures and improvements.* This account shall include the cost of maintenance of buildings, structures, fixtures, and improvements used in connection with the local storage of gas, the book cost of which is included in Account 346, Structures and Improvements.

§ 201.758:6BA *Maintenance of gas holders.* This account shall include the cost of maintenance of gas holders, the book cost of which is included in Account 347, Gas Holders.

NOTE: This account shall also include the cost of maintenance of holders for gas stored in liquefied form whether such holders are above ground or buried.

§ 201.758:7BA *Maintenance of liquefaction and regasification equipment.* This account shall include the cost of maintenance of equipment used for liquefying gas for storage and delivering gas from liquefied storage, the book cost of which equipment is included in Account 348, Liquefaction and Regasification Equipment.

§ 201.758:8BA *Maintenance of other local gas storage equipment.* This account shall include the cost of other equipment used in connection with the local storage of gas the book cost of which is included in Account 349, Other Local Gas Storage Equipment.

*Miscellaneous*

§ 201.758:9BA *Local storage rents.* This account shall include all rents for property of others used, occupied, or operated in connection with the local storage of gas.

§ 201.758:10BA *Joint expenses; debit.* (a) This account shall include amounts payable by the gas department to others or to a coordinate department for joint facilities used, occupied, or operated in connection with the local storage of gas. (See Operating expense instruction 6.)

(b) The records supporting entries to this account shall be so kept that the

utility can furnish a complete explanation of the debits to this account, including the following:

Charges from Others.

Charges from Coordinate Departments.

§ 201.758:11BA *Joint expenses; credit.*

(a) This account shall include such portion of the cost of operating and maintaining joint facilities operated by the gas department in connection with the local storage of gas as is charged to others or to coordinate departments. (See Operating expense instruction 6.)

(b) The records supporting the entries to this account shall be so kept that the utility can furnish a complete explanation of the credits to this account, including the following:

Charges to Others.

Charges to Coordinate Departments.

40. Section 201.758BA is redesignated § 201.759:1BA, §§ 201.759B to 201.759:3A are revoked, and new §§ 201.759:2B to 201.759:4BA are added, as follows:

*Operation*

§ 201.759:1BA *Operation supervision and engineering.*

§ 201.759:2B *Operation labor.*

§ 201.759:21A *Mains operation labor.* This account shall include the pay of employees engaged in the operation of transmission mains.

§ 201.759:22A *Compressor station labor.* This account shall include the pay of employees engaged in the operation of transmission compressor stations.

§ 201.759:23A *Measuring and regulating station labor.* This account shall include the pay of employees engaged in the operation of transmission measuring and regulating stations.

§ 201.759:24A *Other operation labor.* This account shall include the pay of employees engaged in transmission operations not provided for in the foregoing accounts.

§ 201.759:3B *Operation supplies and expenses.*

§ 201.759:31A *Mains operation supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in connection with the operation of transmission mains.

§ 201.759:32A *Compressor station supplies and expenses.* This account shall include the cost of fuel and supplies used and expenses incurred in connection with the operation of transmission compressor stations.

§ 201.759:33A *Measuring and regulating station supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in connection with the operation of transmission measuring and regulating stations.

§ 201.759:34A *Other operation supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in connection with transmission operations not provided for in the foregoing accounts.

§ 201.759:4BA *Transmission maps and records.* This account shall include salaries paid and expenses incurred in connection with the preparation of maps and records of transmission plant, including the cost of stationery, drawing materials, etc.

41. Section 201.760BA is redesignated § 201.760:1BA, §§ 201.761BA to 201.762:2A are revoked, and new §§ 201.760:2BA to 201.760:6BA are added, as follows:

§ 201.760:1BA *Maintenance supervision and engineering.* \* \* \*

§ 201.760:2BA *Maintenance of structures and improvements.* (a) This account shall include the cost of maintenance of transmission buildings, structures, fixtures, and improvements, the book cost of which is included in Account 352, Structures and Improvements.

(b) This account shall be subdivided by Class A utilities as follows:

760.21 Maintenance of Compressor Station Structures.

760.22 Maintenance of Measuring and Regulating Station Structures.

760.23 Maintenance of Other Structures.

§ 201.760:3BA *Maintenance of transmission mains.* This account shall include the cost of maintenance of transmission mains, the book costs of which is included in Account 353, Mains.

§ 201.760:4BA *Maintenance of compressor station equipment.* This account shall include the cost of maintenance of transmission compressor station equipment the book cost of which is included in Account 354.1, Compressor Station Equipment.

§ 201.760:5BA *Maintenance of measuring and regulating station equipment.* This account shall include the cost of maintenance of transmission measuring and regulating station equipment, the book cost of which is included in Account 354.2, Transmission Measuring and Regulating Station Equipment.

§ 201.760:6BA *Maintenance of other transmission system equipment.* This account shall include the cost of maintenance of transmission plant the book cost of which is included in Account 355, Other Transmission System Equipment.

42. Section 201.763BA is redesignated § 201.761:1BA and paragraph (b) thereof is revoked.

43. A new § 201.761:2BA is added as follows:

§ 201.761:2BA *Transmission and compression of gas by others.* This account shall include the amounts of payments for compression of the utility's gas by others or transmission by others of gas of the utility.

44. Sections 201.764:1EA and 201.764:2BA are redesignated §§ 201.761:3BA and 201.761:4BA, as follows:

§ 201.761:3BA *Joint expenses; debit.* \* \* \*

§ 201.761:4BA *Joint expenses; credit.* \* \* \*

45. Under the headnote "Distribution Expenses" a new subheadnote and §§ 201.764:1BA to 201.764:2BA are added, as follows:

## RULES AND REGULATIONS

## DISTRIBUTION EXPENSES

*City Gate and Main Line Industrial Measuring and Regulating Station Expenses*

## Operation

§ 201.764:1BA *Operation supervision and engineering.* This account shall include the cost of supervising and directing the operation of city gate and main line industrial measuring and regulating stations. (See Operating expense instruction 4.)

§ 201.764:2BA *Operation labor.* This account shall include the pay of employees engaged in the operation of city gate and main line industrial measuring and regulating stations.

§ 201.764:3BA *Operation supplies and expenses.* This account shall include the cost of supplies used and expenses incurred in connection with the operation of city gate and main line industrial measuring and regulating stations.

## Maintenance

§ 201.764:4BA *Maintenance supervision and engineering.* This account shall include the cost of supervising and directing the maintenance of city gate and main line industrial measuring and regulating stations. (See Operating expense instruction 4.)

§ 210.764:5BA *Maintenance of structures and improvements.* This account shall include the cost of maintenance of buildings, structures, fixtures, and improvements, used in connection with the operation of city gate and main line industrial measuring and regulating stations, the book cost of which is included in Account 356.2, Structures and Improvements.

§ 201.764:6BA *Maintenance of measuring and regulating station equipment.* This account shall include the cost of maintenance of measuring and regulating station equipment, the book cost of which is included in Account 356.3, Measuring and Regulating Station Equipment.

## Miscellaneous

§ 201.764:7BA *Rents.* This account shall include all rents for property of others used, occupied, or operated in connection with the operation of city gate and main line industrial measuring and regulating stations. (See Operating expense instruction 5.)

§ 201.764:8BA *Joint expenses; debit.* (a) This account shall include amounts payable by the gas department to others or to a coordinate department for joint facilities used, occupied, or operated in connection with city gate and main line industrial measuring and regulating stations. (See Operating expense instruction 6.)

(b) The records supporting the entries to this account shall be so kept that the utility can furnish a complete explanation of the debits to this account, including the following:

Charges from Others.  
Charges from Coordinate Departments.

§ 201.764:9BA *Joint expenses; credit.* (a) This account shall include such portion of the cost of operating and maintaining joint facilities, operated in con-

nection with city gate and main line measuring and regulating stations as is charged to others, or to a coordinate department. (See Operating expense instruction 6.)

(b) The records supporting the entries to this account shall be so kept that the utility can furnish a complete explanation of the credits to this account, including the following:

Charges to Others.  
Charges to Coordinate Departments.

46. A new headnote is added immediately above § 201.767BA, and § 201.767BA is redesignated §§ 201.767B to 201.767:3A and revised, as follows:

## General Distribution Expenses

## Operation

§ 201.767B *Operation of distribution lines.*

§ 201.767:1A *Operation of distribution mains.* This account shall include the pay of employees and expenses incurred in the operation of distribution mains.

§ 201.767:2A *Operation of distribution compressor stations.* This account shall include the pay of employees and expenses incurred in the operation of compressor station equipment located on local distribution systems.

§ 201.767:3A *Operation of distribution measuring and regulating station equipment.* This account shall include the pay of employees and expenses incurred in the operation of measuring and regulating station equipment located on local distribution systems exclusive of equipment used to serve specific customers.

47. A new § 201.769:1BA is added as follows:

§ 201.769:1BA *Operation of industrial measuring and regulating stations.* This account shall include the cost of labor and materials and expenses incurred in the operation of large measuring and regulating stations located on local distribution systems to serve specific large industrial and commercial customers.

48. Section 201.769BA is redesignated § 201.769:2BA, as follows:

§ 201.769:2BA *Services on customers' premises.* \* \* \*

49. Section 201.770BA is revoked and a new § 201.770BA is added, as follows:

§ 201.770BA *Operation of other distribution equipment.* This account shall include the cost of labor and materials used and expenses incurred in the operation of other distribution equipment the expenses of operation of which are not provided for elsewhere, including

expenses of operating street lighting systems.

50. Section 201.773:2A is redesignated §§ 201.773:2A and 201.773:3A and revised, as follows:

§ 201.773:2A *Maintenance of compressor station equipment.* This account shall include the cost of maintenance of distribution compressor station equipment, the book cost of which is included in Account 360.1, Distribution System Compressor Station Equipment.

§ 201.773:3A *Maintenance of measuring and regulating station equipment.* This account shall include the cost of maintenance of distribution measuring and regulating station equipment, the book cost of which is included in Account 360.2, Distribution System Measuring and Regulating Station Equipment.

51. Sections 201.773:3A to 201.773:5A are redesignated §§ 201.773:4A to 201.773:6A, as follows:

§ 201.773:4A *Maintenance of services.* \* \* \*

§ 201.773:5A *Maintenance of meters.* \* \* \*

§ 201.773:6A *Maintenance of house regulators.* \* \* \*

52. A new § 201.773:7A is added as follows:

§ 201.773:7A *Maintenance of industrial measuring and regulating station equipment.* This account shall include the cost of maintenance of measuring and regulating station equipment located on local distribution systems to serve specific large industrial and commercial customers, the book cost of which equipment is included in Account 366.1, Industrial Measuring and Regulating Station Equipment.

53. Section 201.773:6A is redesignated § 201.773:8A and reference to Account 366 is changed to read "Account 366.2."

54. Section 201.774BA is revoked.

55. Section 201.775BA is redesignated § 201.774BA and revised, as follows:

§ 201.774BA *Maintenance of other distribution equipment.* This account shall include the cost of maintenance of all other distribution system equipment not provided for elsewhere, the book cost of which is included in Account 367, Other Distribution System Equipment, including street lighting equipment.

## PART 204—APPLICATION OF UNIFORM SYSTEM OF ACCOUNTS TO CLASS C AND CLASS D NATURAL GAS COMPANIES

Sections 204.2, 204.3, 204.5, 204.6, and 204.7 are amended to read as follows:

§ 204.2 *Balance sheet accounts; for natural gas companies.*

| D Nos. | C Nos. | Accounts for class C and class D natural gas companies           | A and B Nos. | Accounts for class A and class B natural gas companies |
|--------|--------|--|--------------|--|
|        |        | ASSETS AND OTHER DEBITS  |              | ASSETS AND OTHER DEBITS                                |
|        |        | <i>I. Utility plant</i>  |              | <i>I. Utility plant</i>                                |
| 2100   | 1100   | Gas plant.   | 100          | Gas plant.   |
| 2100.1 | 1100.1 | Gas plant in service, leased to others, and held for future use. |              | 100.1 Gas plant in service.                            |
|        |        |  |              | 100.2 Gas plant leased to others.                      |
|        |        |  |              | 100.4 Gas plant held for future use.                   |
| 2100.3 | 1100.3 | Construction work in progress.                                   |              | 100.3 Construction work in progress.                   |
| 2100.5 | 1100.5 | Gas plant acquisition adjustments.                               |              | 100.5 Gas plant acquisition adjustments.               |
| 2100.6 | 1100.6 | Gas plant in process of reclassification.                        |              | 100.6 Gas plant in process of reclassification.        |
| 2107   | 1107   | Gas plant adjustments.   | 107          | Gas plant adjustments.                                 |
| 2108   | 1108   | Other utility plant.   | 108          | Other utility plant.                                   |

[illegible]

## § 204.3 Gas plant accounts; for natural gas companies.

| Accounts for class D natural gas companies                      | Accounts for class C natural gas companies   | Accounts for class A and class B natural gas companies   |
|---|--|--|
| <b>I. INTANGIBLE PLANT</b>                                      | <b>I. INTANGIBLE PLANT</b>   | <b>I. INTANGIBLE PLANT</b>   |
| 2301. Intangible plant.....                                     | 1301. Organization.....<br>1302. Franchises and consents.....<br>1303. Miscellaneous intangible plant.....   | 301. Organization.....<br>302. Franchises and consents.....<br>303. Miscellaneous intangible plant.....  |
| <b>II. PRODUCTION PLANT</b>                                     | <b>II. PRODUCTION PLANT</b>  | <b>II. PRODUCTION PLANT</b>  |
| <b>A. MANUFACTURED GAS PRODUCTION PLANT</b>                     | <b>A. MANUFACTURED GAS PRODUCTION PLANT</b>  | <b>A. MANUFACTURED GAS PRODUCTION PLANT</b>  |
| 2311. Land and land rights.....                                 | 1311. Land and land rights.....  | 311. Land and land rights.....<br>311.1 Land.....<br>311.1 Land rights.....  |
| 2312. Structures and improvements.....                          | 1312. Structures and improvements.....   | 312. Structures and improvements.....  |
| 2313. Boiler plant and other power equipment.....               | 1313. Boiler plant equipment.....<br>1314. Other power equipment.....  | 313. Boiler plant equipment.....<br>314. Other power equipment.....  |
| 2315. Benches and retorts.....                                  | 1315. Benches and retorts.....   | 315. Benches and retorts.....  |
| 2316. Coke ovens.....   | 1316. Coke ovens.....  | 316. Coke ovens.....   |
| 2317. Producer gas equipment.....                               | 1317. Producer gas equipment.....  | 317. Producer gas equipment.....   |
| 2320. Other gas generating equipment.....                       | 1318. Water gas generating equipment.....<br>1319. Liquefied petroleum gas equipment.....<br>1320. Other gas generating equipment.....                       | 318. Water gas generating equipment.....<br>319. Liquefied petroleum gas equipment.....<br>320. Other gas generating equipment.....  |
| 2321. Coal, coke, and ash handling equipment.....               | 1321. Coal, coke, and ash handling equipment.....  | 321. Coal, coke, and ash handling equipment.....   |
| 2322. Gas reforming equipment.....                              | 1322. Gas reforming equipment.....   | 322. Gas reforming equipment.....  |
| 2323. Purification equipment.....                               | 1323. Purification equipment.....  | 323. Purification equipment.....   |
| 2326. Other production equipment.....                           | 1324. Residual refining equipment.....<br>1325. Gas mixing equipment.....<br>1326. Other production equipment.....   | 324. Residual refining equipment.....<br>325. Gas mixing equipment.....<br>326. Other production equipment.....  |
| <b>B. NATURAL GAS PRODUCTION PLANT</b>                          | <b>B. NATURAL GAS PRODUCTION PLANT</b>   | <b>B. NATURAL GAS PRODUCTION PLANT</b>   |
| <i>B1. Natural gas production and gathering plant</i>           | <i>B1. Natural gas production and gathering plant</i>  | <i>B1. Natural gas production and gathering plant</i>  |
| 2330.1 Natural gas producing lands, leaseholds, and rights..... | 1330.1 Natural gas producing land and leaseholds.....  | 330.1 Natural gas producing lands.....   |
| 2330.5 Other land and land rights.....                          | 1330.3 Natural gas rights.....<br>1330.5 Other land and land rights.....   | 330.2 Natural gas producing leaseholds.....<br>330.3 Natural gas rights.....<br>330.4 Rights-of-way.....<br>330.5 Other land and land rights.....  |
| 2331. Production system structures.....                         | 1331. Production system structures.....  | 331.1 Gas well structures.....<br>331.2 Field compressor station structures.....<br>331.3 Field measuring and regulating station structures.....<br>331.4 Other production and gathering system structures.....  |
| 2332. Producing gas wells.....                                  | 1332. Producing gas wells.....   | 332.1 Producing gas wells—well construction.....<br>332.2 Producing gas wells—well equipment.....  |
| 2333. Field lines and equipment.....                            | 1333.1 Field lines.....<br>1333.2 Field compressor station equipment.....<br>1333.3 Field measuring and regulating station equipment.....                    | 333.1 Field lines.....<br>333.2 Field compressor station equipment.....<br>333.3 Field measuring and regulating station equipment.....   |
| 2335. Purification equipment.....                               | 1334. Drilling and cleaning equipment.....   | 334. Drilling and cleaning equipment.....  |
| 2336. Other production and gathering equipment.....             | 1335. Purification equipment.....<br>1336. Other production and gathering equipment.....   | 335. Purification equipment.....<br>336. Other production and gathering equipment.....   |
| <i>B2. Products extraction plant</i>                            | <i>B2. Products extraction plant</i>   | <i>B2. Products extraction plant</i>   |
| 2337.1 Land and land rights.....                                | 1337.1 Land and land rights.....   | 337.1 Land and land rights.....<br>337.11 Land.....<br>337.12 Land rights.....   |
| 2337.2 Structures and improvements.....                         | 1337.2 Structures and improvements.....  | 337.2 Structures and improvements.....   |
| 2337.3 Products extraction and refining equipment.....          | 1337.3 Products extraction and refining equipment.....   | 337.3 Extraction and refining equipment.....<br>337.4 Pipe lines.....<br>337.5 Extracted products storage equipment.....<br>337.6 Compressor equipment.....<br>337.7 Gas measuring and regulating equipment.....<br>337.8 Other equipment.....   |
| <b>III. STORAGE PLANT</b>                                       | <b>III. STORAGE PLANT</b>  | <b>III. STORAGE PLANT</b>  |
| <b>A. UNDERGROUND STORAGE PLANT</b>                             | <b>A. UNDERGROUND STORAGE PLANT</b>  | <b>A. UNDERGROUND STORAGE PLANT</b>  |
| 2341. Land and land rights.....                                 | 1341. Land and land rights.....  | 341. Land and land rights.....<br>341.1 Underground storage land.....<br>341.2 Underground storage leaseholds.....<br>341.3 Underground storage rights.....<br>341.4 Underground storage rights-of-way.....  |
| 2342. Structures and improvements.....                          | 1342. Structures and improvements.....   | 342. Structures and improvements.....<br>342.1 Underground storage well structures.....<br>342.2 Underground storage compressor station structures.....<br>342.3 Underground storage measuring and regulating station structures.....<br>342.4 Other underground storage structures.....   |
| 2343.1 Storage gas wells.....                                   | 1343.1 Storage gas wells.....  | 343.1 Underground storage well construction.....   |
| 2343.2 Underground storage lines and equipment.....             | 1343.3 Underground storage lines.....<br>1343.4 Underground storage pumping and regulating equipment.....<br>1343.6 Other underground storage equipment..... | 343.2 Underground storage well equipment.....<br>343.3 Underground storage lines.....<br>343.4 Underground storage compressor station equipment.....<br>343.5 Underground storage measuring and regulating station equipment.....<br>343.6 Underground storage purification equipment.....<br>343.7 Other underground storage equipment..... |
| 2344. Gas stored underground—noncurrent.....                    | 1344. Gas stored underground—noncurrent.....   | 344. Gas stored underground—noncurrent.....  |
| <b>B. LOCAL STORAGE PLANT</b>                                   | <b>B. LOCAL STORAGE PLANT</b>  | <b>B. LOCAL STORAGE PLANT</b>  |
| 2345. Land and land rights.....                                 | 1345. Land and land rights.....  | 345. Land and land rights.....<br>345.1 Land.....<br>345.2 Land rights.....  |
| 2346. Structures and improvements.....                          | 1346. Structures and improvements.....   | 346. Structures and improvements.....  |
| 2347. Gas holders.....  | 1347. Gas holders.....   | 347. Gas holders.....  |
| 2349. Other local gas storage equipment.....                    | 1349. Other local gas storage equipment.....   | 348. Liquefaction and regasification equipment.....<br>349. Other local gas storage equipment.....   |

| Accounts for class D natural gas companies  | Accounts for class C natural gas companies  | Accounts for class A and class B natural gas companies  |
|---|---|---|
| <b>IV. TRANSMISSION PLANT</b>   | <b>IV. TRANSMISSION PLANT</b>   | <b>IV. TRANSMISSION PLANT</b>   |
| 2351. Land and land rights.....   | 1351. Land and land rights.....   | 351. Land and land rights.<br>351.1 Land.<br>351.2 Land rights.   |
| 2352. Structures and improvements.....  | 1352. Structures and improvements.....  | 352. Structures and improvements.<br>352.1 Compressor station structures.<br>352.2 Measuring and regulating station structures.<br>352.3 Other structures.                |
| 2353. Mains.....  | 1353. Mains.....  | 353. Mains.   |
| 2354. Pumping and regulating equipment.....   | 1354. Pumping and regulating equipment.....   | 354.1 Compressor station equipment.<br>354.2 Measuring and regulating station equipment.  |
| 2355. Other transmission system equipment.....                                      | 1355. Other transmission system equipment.....                                      | 355. Other transmission system equipment.   |
| <b>V. DISTRIBUTION PLANT</b>  | <b>V. DISTRIBUTION PLANT</b>  | <b>V. DISTRIBUTION PLANT</b>  |
| <b>A. CITY GATE AND MAIN LINE INDUSTRIAL MEASURING AND REGULATING STATION PLANT</b> | <b>A. CITY GATE AND MAIN LINE INDUSTRIAL MEASURING AND REGULATING STATION PLANT</b> | <b>A. CITY GATE AND MAIN LINE INDUSTRIAL MEASURING AND REGULATING STATION PLANT</b>   |
| 2356.1 Land and land rights.....  | 1356.1 Land and land rights.....  | 356.1 Land and land rights.<br>356.1.1 Land.<br>356.1.2 Land rights.  |
| 2356.2 Structures and improvements.....   | 1356.2 Structures and improvements.....   | 356.2 Structures and improvements.  |
| 2356.3 Measuring and regulating station equipment.....                              | 1356.3 Measuring and regulating station equipment.....                              | 356.3 Measuring and regulating station equipment.   |
| <b>B. GENERAL DISTRIBUTION SYSTEM PLANT</b>   | <b>B. GENERAL DISTRIBUTION SYSTEM PLANT</b>   | <b>B. GENERAL DISTRIBUTION SYSTEM PLANT</b>   |
| 2357. Land and land rights.....   | 1357. Land and land rights.....   | 357. Land and land rights.<br>357.1 Land.<br>357.2 Land rights.   |
| 2358. Structures and improvements.....  | 1358. Structures and improvements.....  | 358. Structures and improvements.   |
| 2359. Mains.....  | 1359. Mains.....  | 359. Mains.   |
| 2360. Pumping and regulating equipment.....   | 1360. Pumping and regulating equipment.....   | 360.1 Distribution system compressor station equipment.<br>360.2 Distribution system measuring and regulating station equipment.  |
| 2361. Services.....   | 1361. Services.....   | 361. Services.  |
| 2362. Meters and regulators.....  | 1362. Meters and regulators.....  | 362. Meters.<br>363. Meter installations.<br>364. House regulators.<br>365. House regulator installations.<br>366. Industrial measuring and regulating station equipment. |
| 2366. Other property on customers' premises.....                                    | 1366. Other property on customers' premises.....                                    | 366.1 Other property on customers' premises.  |
| 2367. Other distribution system equipment.....                                      | 1367. Other distribution system equipment.....                                      | 367.2 Other distribution system equipment.  |
| <b>VI. GENERAL PLANT</b>  | <b>VI. GENERAL PLANT</b>  | <b>VI. GENERAL PLANT</b>  |
| 2370. Land and land rights.....   | 1370. Land and land rights.....   | 370. Land and land rights.  |
| 2371. Structures and improvements.....  | 1371. Structures and improvements.....  | 371. Structures and improvements.   |
| 2372. Office furniture and equipment.....   | 1372. Office furniture and equipment.....   | 372. Office furniture and equipment.  |
|   | 1373. Transportation equipment.....   | 373. Transportation equipment.  |
|   | 1374. Stores equipment.....   | 374. Stores equipment.  |
|   | 1375. Shop equipment.....   | 375. Shop equipment.  |
| 2373. General plant equipment.....  | 1376. Laboratory equipment.....   | 376. Laboratory equipment.  |
|   | 1377. Tools and work equipment.....   | 377. Tools and work equipment.  |
|   | 1378. Communication equipment.....  | 378. Communication equipment.   |
|   | 1379. Miscellaneous equipment.....  | 379. Miscellaneous equipment.   |
| 2380. Other tangible property.....  | 1380. Other tangible property.....  | 380. Other tangible property.   |
| 2391. Gas plant purchased.....  | 1391. Gas plant purchased.....  | 391. Gas plant purchased.   |
| 2392. Gas plant sold.....   | 1392. Gas plant sold.....   | 392. Gas plant sold.  |



## RULES AND REGULATIONS

§ 204.5 *Income accounts; for natural gas companies.*

| D Nos.                               | O Nos. | Accounts for class C and class D natural gas companies                    | A and B Nos. | Accounts for class A and class B natural gas companies                    |
|--------------------------------------|--------|---|--------------|---|
| <b>I. UTILITY INCOME</b>             |        |   |              |   |
| 2501                                 | 1501   | Gas operating income:   | 501          | Gas operating income:   |
|                                      |        | Operating revenues.....   |              | Operating revenues.....   |
| 2502                                 | 1502   | Operating revenue deductions:   | 502          | Operating revenue deductions:   |
| 2503.1                               | 1503.1 | Operating expenses.....   | 503.1        | Operating expenses.....   |
| 2503.2                               | 1503.2 | Depreciation.....   | 503.2        | Depreciation.....   |
|                                      |        | Amortization and depletion of producing natural gas land and land rights. |              | Amortization and depletion of producing natural gas land and land rights. |
| 2504                                 | 1504   | Amortization of other limited-term gas investments.                       | 504          | Amortization of other limited-term gas investments.                       |
| 2505                                 | 1505   | Amortization of gas plant acquisition adjustments.                        | 505          | Amortization of gas plant acquisition adjustments.                        |
| 2506                                 | 1506   | Property losses chargeable to operations.                                 | 506          | Property losses chargeable to operations.                                 |
| 2507                                 | 1507   | Taxes.....  | 507          | Taxes.....  |
|                                      |        | Total operating revenue deductions.                                       |              | Total operating revenue deductions.                                       |
|                                      |        | Net operating revenues.   |              | Net operating revenues.   |
| 2508                                 | 1508   | Income from gas plant leased to others.                                   | 508          | Income from gas plant leased to others.                                   |
| 2508.1                               | 1508.1 | Revenues from plant leased to others.                                     | 508.1        | Revenues from plant leased to others.                                     |
| 2508.2                               | 1508.2 | Expenses of plant leased to others.                                       | 508.2        | Expenses of plant leased to others.                                       |
|                                      |        | Income from gas plant leased to others.                                   |              | Income from gas plant leased to others.                                   |
| 2509                                 | 1509   | Gas operating income.   | 509          | Gas operating income.   |
|                                      |        | Other utility operating income.....                                       |              | Other utility operating income.   |
| 2510                                 |        | Utility income.   |              | Utility income.   |
| 2513                                 |        |   |              |   |
| <b>II. OTHER INCOME</b>              |        |   |              |   |
| 2520                                 | 1520   | Income from merchandising, jobbing, and contract work.                    | 520          | Income from merchandising, jobbing, and contract work.                    |
| 2520.1                               | 1520.1 | Revenues from merchandising, jobbing, and contract work.                  | 520.1        | Revenues from merchandising, jobbing, and contract work.                  |
| 2520.2                               | 1520.2 | Costs and expenses of merchandising, jobbing, and contract work.          | 520.2        | Costs and expenses of merchandising, jobbing, and contract work.          |
| 2521                                 | 1521   | Income from nonutility operations.  | 521          | Income from nonutility operations.  |
| 2522                                 | 1522   | Revenues from lease of other physical property.                           | 522          | Revenues from lease of other physical property.                           |
| 2523                                 | 1523   | Dividend revenues.  | 523          | Dividend revenues.  |
| 2524                                 | 1524   | Interest revenues.  | 524          | Interest revenues.  |
|                                      |        | 524.1 Interest on securities owned.                                       |              | 524.1 Interest on securities owned.                                       |
|                                      |        | 524.2 Other interest revenues.  |              | 524.2 Other interest revenues.  |
| 2525                                 | 1525   | Revenues from sinking and other funds.                                    | 525          | Revenues from sinking and other funds.                                    |
| 2526                                 | 1526   | Miscellaneous nonoperating revenues.                                      | 526          | Miscellaneous nonoperating revenues.                                      |
| 2527                                 | 1527   | Nonoperating revenue deductions.  | 527          | Nonoperating revenue deductions.  |
|                                      |        | Total other income.   |              | Total other income.   |
|                                      |        | Gross income.   |              | Gross income.   |
| <b>III. INCOME DEDUCTIONS</b>        |        |   |              |   |
| 2530                                 | 1530   | Interest on long-term debt.   | 530          | Interest on long-term debt.   |
| 2531                                 | 1531   | Amortization of debt discount and expense.                                | 531          | Amortization of debt discount and expense.                                |
| 2532                                 | 1532   | Amortization of premium on debt—Cr.                                       | 532          | Amortization of premium on debt—Cr.                                       |
| 2533                                 | 1533   | Taxes assumed on interest.  | 533          | Taxes assumed on interest.  |
| 2534                                 | 1534   | Interest on debt to associated companies.                                 | 534          | Interest on debt to associated companies.                                 |
|                                      |        | 534.1 Interest on advances from associated companies.                     |              | 534.1 Interest on advances from associated companies.                     |
|                                      |        | 534.2 Interest on other debt to associated companies.                     |              | 534.2 Interest on other debt to associated companies.                     |
| 2535                                 | 1535   | Other interest charges.   | 535          | Other interest charges.   |
| 2536                                 | 1536   | Interest charged to construction—Cr.                                      | 536          | Interest charged to construction—Cr.                                      |
| 2537                                 | 1537   | Miscellaneous amortization.   | 537          | Miscellaneous amortization.   |
| 2538                                 | 1538   | Miscellaneous income deductions.  | 538          | Miscellaneous income deductions.  |
|                                      |        | Total income deductions.  |              | Total income deductions.  |
|                                      |        | Net income.   |              | Net income.   |
| <b>IV. DISPOSITION OF NET INCOME</b> |        |   |              |   |
| 2540                                 | 1540   | Miscellaneous reservations of net income.                                 | 540          | Miscellaneous reservations of net income.                                 |
|                                      |        | Balance transferred to earned surplus.                                    |              | Balance transferred to earned surplus.                                    |

§ 204.6 *Operating revenue accounts; for natural gas companies.*

| D Nos.                         | O Nos. | A and B Nos. | Accounts for natural gas companies  |
|--------------------------------|--------|--------------|-------------------------------------|
| <b>I. GAS SERVICE REVENUES</b> |        |              |                                     |
| 2600                           | 1600   | 600          | Residential sales.                  |
| 2602                           | 1602.1 | 602.1        | Commercial sales.                   |
| 2603                           | 1602.2 | 602.2        | Industrial sales.                   |
|                                | 1603   | 603          | Public street and highway lighting. |
| 2604                           | 1604   | 604          | Other sales to public authorities.  |
| 2605                           | 1605   | 605          | Sales to other gas utilities.       |
| 2607                           | 1607   | 607          | Interdepartmental sales.            |
| 2608                           | 1608   | 608          | Other sales.                        |
| <b>II. OTHER GAS REVENUES</b>  |        |              |                                     |
| 2610                           | 1610   | 610          | Rent from gas property.             |

| D Nos.                             | O Nos. | A and B Nos. | Accounts for natural gas companies             |
|------------------------------------|--------|--------------|--|
| <b>II. OTHER GAS REVENUES—con.</b> |        |              |  |
| 2611                               | 1611   | 611          | Interdepartmental rents.                       |
| 2612                               | 1612   | 612          | Customers' forfeited discounts and penalties.  |
| 2614                               | 1614   | 614          | Servicing of customers' installations.         |
| 2615                               | 1615   | 615          | Revenue from transportation of gas of others.  |
| 2616                               | 1616   | 616          | Sales of products extracted from natural gas.  |
| 2617                               | 1617   | 617          | Revenues from natural gas processed by others. |
| 2618.1                             | 1618.1 | 618.1        | Incidental gasoline sales.                     |
| 2618.2                             | 1618.2 | 618.2        | Incidental oil sales.                          |
| 2619                               | 1619   | 619          | Miscellaneous gas revenues.                    |

[illegible]

| Accounts for class D natural gas companies                                   | Accounts for class C natural gas companies                                   | Accounts for class B natural gas companies                                   | Accounts for class A natural gas companies                                   |
|--|--|--|--|
| <b>I. PRODUCTION EXPENSES—Continued</b>                                      | <b>I. PRODUCTION EXPENSES—Continued</b>                                      | <b>I. PRODUCTION EXPENSES—Continued</b>                                      | <b>I. PRODUCTION EXPENSES—Continued</b>                                      |
| <b>B1. NATURAL GAS PRODUCTION AND GATHERING—continued</b>                    | <b>B1. NATURAL GAS PRODUCTION AND GATHERING—continued</b>                    | <b>B1. NATURAL GAS PRODUCTION AND GATHERING—continued</b>                    | <b>B1. NATURAL GAS PRODUCTION AND GATHERING—continued</b>                    |
| <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>   |
| 2734. Maintenance of production and gathering plant.                         | 1734.1 Maintenance supervision and engineering.                              | 734.1 Maintenance supervision and engineering.                               | 734.1 Maintenance supervision and engineering.                               |
|  | 1734.2 Maintenance of structures and improvements.                           | 734.2 Maintenance of structures and improvements.                            | 734.21 Maintenance of gas well structures.                                   |
|  |  | 734.3 Maintenance of producing gas well equipment.                           | 734.22 Maintenance of field compressor station structures.                   |
|  | 1734.4 Maintenance of wells, lines, and equipment.                           | 734.4 Maintenance of field lines and equipment.                              | 734.23 Maintenance of field measuring and regulating station structures.     |
|  |  | 734.5 Maintenance of drilling and cleaning equipment.                        | 734.24 Maintenance of other production and gathering system structures.      |
|  |  | 734.6 Maintenance of purification equipment.                                 | 734.3 Maintenance of producing gas well equipment.                           |
|  |  | 734.7 Maintenance of other production and gathering equipment.               | 734.41 Maintenance of field lines.   |
|  |  |  | 734.42 Maintenance of field compressor station equipment.                    |
|  |  |  | 734.43 Maintenance of field measuring and regulating station equipment.      |
|  |  |  | 734.5 Maintenance of drilling and cleaning equipment.                        |
|  |  |  | 734.6 Maintenance of purification equipment.                                 |
|  |  |  | 734.7 Maintenance of other production and gathering equipment.               |
| <i>Miscellaneous</i>   | <i>Miscellaneous</i>   | <i>Miscellaneous</i>   | <i>Miscellaneous</i>   |
| 2735.1 Gas well royalties.   | 1735.1 Gas well royalties.   | 735.1 Gas well royalties.  | 735.1 Gas well royalties.  |
| 2735.2 Natural gas rents.  | 1735.2 Natural gas rents.  | 735.2 Natural gas rents.   | 735.2 Natural gas rents.   |
| 2735.3 Joint expenses—debit.   | 1735.3 Joint expenses—debit.   | 735.3 Joint expenses—debit.  | 735.3 Joint expenses—debit.  |
| 2735.4 Joint expenses—credit.  | 1735.4 Joint expenses—credit.  | 735.6 Joint expenses—credit.   | 735.4 Joint expenses—credit.   |
| <b>B2. PRODUCTS EXTRACTION OPERATION</b>                                     | <b>B2. PRODUCTS EXTRACTION OPERATION</b>                                     | <b>B2. PRODUCTS EXTRACTION OPERATION</b>                                     | <b>B2. PRODUCTS EXTRACTION OPERATION</b>                                     |
| 2736.1 Operation supervision and labor.                                      | 1736.1 Operation supervision and engineering.                                | 736.1 Operation supervision and engineering.                                 | 736.1 Operation supervision and engineering.                                 |
| 2736.3 Gas shrinkage and fuel.   | 1736.2 Operation labor.  | 736.2 Operation labor.   | 736.2 Operation labor.   |
| 2736.6 Operating supplies and expenses.                                      | 1736.3 Gas shrinkage and fuel.   | 736.3 Gas shrinkage.   | 736.3 Gas shrinkage.   |
|  | 1736.6 Operating supplies and expenses.                                      | 736.4 Fuel.  | 736.4 Fuel.  |
|  |  | 736.5 Power.   | 736.5 Power.   |
|  |  | 736.6 Production materials and supplies.                                     | 736.6 Production materials and supplies.                                     |
|  |  | 736.7 Other supplies and expenses.   | 736.7 Other supplies and expenses.   |
| <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>   |
| 2737.1 Maintenance of products extraction plant.                             | 1737.1 Maintenance supervision and engineering.                              | 737.1 Maintenance supervision and engineering.                               | 737.1 Maintenance supervision and engineering.                               |
|  | 1737.2 Maintenance of products extraction plant.                             | 737.2 Maintenance of structures and improvements.                            | 737.2 Maintenance of structures and improvements.                            |
|  |  | 737.3 Maintenance of equipment.  | 737.3 Maintenance of equipment.  |
| <i>Miscellaneous</i>   | <i>Miscellaneous</i>   | <i>Miscellaneous</i>   | <i>Miscellaneous</i>   |
| 2738.1 Products purchased for resale.  | 1738.1 Products purchased for resale.  | 738.1 Products purchased for resale.   | 738.1 Products purchased for resale.   |
| 2738.2 Miscellaneous products extraction expenses.                           | 1738.2 Miscellaneous products extraction expenses.                           | 738.2 Variation in products inventory—debit or credit.                       | 738.2 Variation in products inventory—debit or credit.                       |
| 2738.7 Joint expenses—debit.   | 1738.7 Joint expenses—debit.   | 738.3 Royalties on products extracted.                                       | 738.3 Royalties on products extracted.                                       |
| 2738.8 Joint expenses—credit.  | 1738.8 Joint expenses—credit.  | 738.4 Selling expenses.  | 738.4 Selling expenses.  |
|  |  | 738.5 Rents.   | 738.5 Rents.   |
|  |  | 738.6 Extracted products used by utility—credit.                             | 738.6 Extracted products used by utility—credit.                             |
|  |  | 738.7 Joint expenses—debit.  | 738.7 Joint expenses—debit.  |
|  |  | 738.8 Joint expenses—credit.   | 738.8 Joint expenses—credit.   |
| <b>B3. EXPLORATION AND DEVELOPMENT</b>                                       | <b>B3. EXPLORATION AND DEVELOPMENT</b>                                       | <b>B3. EXPLORATION AND DEVELOPMENT</b>                                       | <b>B3. EXPLORATION AND DEVELOPMENT</b>                                       |
| 2739.1 Delay rentals.  | 1739.1 Delay rentals.  | 739.1 Delay rentals.   | 739.1 Delay rentals.   |
| 2739.2 Nonproductive well drilling.  | 1739.2 Nonproductive well drilling.  | 739.2 Nonproductive well drilling.   | 739.2 Nonproductive well drilling.   |
| 2739.3 Abandoned leases.   | 1739.3 Abandoned leases.   | 739.3 Abandoned leases.  | 739.3 Abandoned leases.  |
| 2739.4 Other exploration costs.  | 1739.4 Other exploration costs.  | 739.4 Other exploration costs.   | 739.4 Other exploration costs.   |
| <b>C. OTHER GAS SUPPLY EXPENSES (changed from other production expenses)</b> | <b>C. OTHER GAS SUPPLY EXPENSES (changed from other production expenses)</b> | <b>C. OTHER GAS SUPPLY EXPENSES (changed from other production expenses)</b> | <b>C. OTHER GAS SUPPLY EXPENSES (changed from other production expenses)</b> |
| 2745. Purchased gas.   | 1745. Purchased gas.   | 745. Purchased gas.  | 745. Purchased gas.  |
| 2746. Purchased gas expenses.  | 1746. Purchased gas expenses.  | 745.1 Purchased gas—natural gas.   | 745.1 Purchased gas—natural gas.   |
|  |  | 745.2 Purchased gas—other gas.   | 745.11 Field purchases.  |
|  |  | 746. Purchased gas expenses.   | 745.12 Gasoline plant outlet purchases.                                      |
|  |  | 746.1 Wells expenses—purchased gas.  | 745.13 Pipeline purchases—transmission lines.                                |
|  |  | 746.2 Operation and maintenance of purchased gas measuring stations.         | 745.14 City gate purchases.  |
|  |  | 746.3 Purchased gas calculations expenses.                                   | 745.2 Purchased gas—other gas.   |
|  |  | 746.4 Other purchased gas expenses.  | 746. Purchased gas expenses.   |
| 2747.1 Gas withdrawn from underground storage—debit.                         | 1747.1 Gas withdrawn from underground storage—debit.                         | 747.1 Gas withdrawn from underground storage—debit.                          | 746.1 Wells expenses—purchased gas.  |
| 2747.2 Gas delivered to underground storage—credit.                          | 1747.2 Gas delivered to underground storage—credit.                          | 747.2 Gas delivered to underground storage—credit.                           | 746.2 Operation and maintenance of purchased gas measuring stations.         |
| 2748. Gas used in utility operations—credit.                                 | 1748. Gas used in utility operations—credit.                                 | 748. Gas used in utility operations—credit.                                  | 746.3 Purchased gas calculations expenses.                                   |
|  |  |  | 746.4 Other purchased gas expenses.  |
|  |  |  | 747.1 Gas withdrawn from underground storage—debit.                          |
|  |  |  | 747.2 Gas delivered to underground storage—credit.                           |
|  |  |  | 748. Gas used in utility operations—credit.                                  |
|  |  |  | 748.1 Gas used for transmission compressor fuel—credit.                      |
|  |  |  | 748.2 Gas used in products extraction process—credit.                        |
|  |  |  | 748.3 Gas for other utility uses—credit.                                     |
| 2749. Other gas supply expenses.   | 1749. Other gas supply expenses.   | 749. Other gas supply expenses.  | 749. Other gas supply expenses.  |
| 2750. Joint expenses—debit.  | 1750. Joint expenses—debit.  | 750. Joint expenses—debit.   | 750. Joint expenses—debit.   |
| 2751. Joint expenses—credit.   | 1751. Joint expenses—credit.   | 751. Joint expenses—credit.  | 751. Joint expenses—credit.  |

| Accounts for class D natural gas companies      | Accounts for class C natural gas companies                                 | Accounts for class B natural gas companies   | Accounts for class A natural gas companies  |
|---|--|--|---|
| <b>II. STORAGE EXPENSES</b>                     | <b>II. STORAGE EXPENSES</b>  | <b>II. STORAGE EXPENSES</b>  | <b>II. STORAGE EXPENSES</b>   |
| <b>A. UNDERGROUND STORAGE</b>                   | <b>A. UNDERGROUND STORAGE</b>  | <b>A. UNDERGROUND STORAGE</b>  | <b>A. UNDERGROUND STORAGE</b>   |
| <i>Operation</i>                                | <i>Operation</i>   | <i>Operation</i>   | <i>Operation</i>  |
| 2755. Operation supervision and labor.....      | 1755.1 Operation supervision and engineering.                              | 755.1 Operation supervision and engineering.   | 755.1 Operation supervision and engineering.  |
|   | 1755.2 Operation labor.....  | 755.2 Operation labor.....   | 755.21 Storage well labor.<br>755.22 Storage lines labor.<br>755.23 Storage compressor station labor.<br>755.24 Storage measuring and regulating station labor.<br>755.25 Other storage labor.<br>755.31 Storage well supplies and expenses.<br>755.32 Storage lines supplies and expenses.<br>755.33 Storage compressor station supplies and expenses.<br>755.34 Storage measuring and regulating station supplies and expenses.<br>755.35 Other storage operation supplies and expenses.                            |
| 2755.3 Operation supplies and expenses.....     | 1755.3 Operation supplies and expenses.....                                | 755.3 Operation supplies and expenses.....   | 755.4 Nonoperative storage well drilling.<br>755.5 Storage maps and records.  |
| 2755.4 Nonoperative storage well drilling.      | 1755.4 Nonoperative storage well drilling.                                 | 755.4 Nonoperative storage well drilling.  |   |
| 2755.5 Storage maps and records.....            | 1755.5 Storage maps and records.....                                       | 755.5 Storage maps and records.....  | <i>Maintenance</i>  |
| <i>Maintenance</i>                              | <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>  |
| 2756. Maintenance of underground storage plant. | 1756.1 Maintenance supervision and engineering.                            | 756.1 Maintenance supervision and engineering.   | 756.1 Maintenance supervision and engineering.  |
|   | 1756.2 Maintenance of structures and improvements.                         | 756.2 Maintenance of structures and improvements.  | 756.21 Maintenance of storage well structures.<br>756.22 Maintenance of storage compressor station structures.<br>756.23 Maintenance of storage measuring and regulating structures.<br>756.24 Maintenance of other storage structures.<br>756.3 Maintenance of storage well equipment.<br>756.41 Maintenance of storage lines.<br>756.42 Maintenance of storage compressor station equipment.<br>756.43 Maintenance of storage measuring and regulating equipment.<br>756.44 Maintenance of other storage equipment. |
|   | 1756.3 Maintenance of storage wells, lines, and equipment.                 | 756.3 Maintenance of storage well equipment.   | 756.41 Maintenance of storage lines.<br>756.42 Maintenance of storage compressor station equipment.<br>756.43 Maintenance of storage measuring and regulating equipment.<br>756.44 Maintenance of other storage equipment.  |
|   |  | 756.4 Maintenance of storage lines and equipment.  |   |
| <i>Miscellaneous</i>                            | <i>Miscellaneous</i>   | <i>Miscellaneous</i>   | <i>Miscellaneous</i>  |
| 2757.1 Underground gas storage rents.....       | 1757.1 Underground gas storage rents.....                                  | 757.1 Underground gas storage rents.....   | 757.11 Storage well royalties.<br>757.12 Storage lines rentals.<br>757.13 Other storage rents.<br>757.2 Joint expenses—debit.<br>757.3 Joint expenses—credit.   |
| 2757.2 Joint expenses—debit.....                | 1757.2 Joint expenses—debit.....   | 757.2 Joint expenses—debit.....  |   |
| 2757.3 Joint expenses—credit.....               | 1757.3 Joint expenses—credit.....  | 757.3 Joint expenses—credit.....   |   |
| <b>B. LOCAL STORAGE</b>                         | <b>B. LOCAL STORAGE</b>  | <b>B. LOCAL STORAGE</b>  | <b>B. LOCAL STORAGE</b>   |
| <i>Operation</i>                                | <i>Operation</i>   | <i>Operation</i>   | <i>Operation</i>  |
| 2758.1 Operation supervision and labor.....     | 1758.1 Operation supervision and engineering.                              | 758.1 Operation supervision and engineering.   | 758.1 Operation supervision and engineering.  |
| 2758.3 Operation supplies and expenses.....     | 1758.2 Operation labor.....<br>1758.3 Operation supplies and expenses..... | 758.2 Operation labor.....<br>758.3 Operation supplies and expenses.....   | 758.2 Operation labor.<br>758.3 Operation supplies and expenses.  |
| <i>Maintenance</i>                              | <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>  |
| 2758.4 Maintenance of local storage plant.      | 1758.4 Maintenance supervision and engineering.                            | 758.4 Maintenance supervision and engineering.   | 758.4 Maintenance supervision and engineering.  |
|   | 1758.5 Maintenance of structures and improvements.                         | 758.5 Maintenance of structures and improvements.  | 758.5 Maintenance of structures and improvements.   |
|   | 1758.6 Maintenance of local storage equipment.                             | 758.6 Maintenance of gas holders.<br>758.7 Maintenance of liquefaction and regasification equipment.<br>758.8 Maintenance of other local gas storage equipment.  | 758.6 Maintenance of gas holders.<br>758.7 Maintenance of liquefaction and regasification equipment.<br>758.8 Maintenance of other local gas storage equipment.   |
| <i>Miscellaneous</i>                            | <i>Miscellaneous</i>   | <i>Miscellaneous</i>   | <i>Miscellaneous</i>  |
| 2758.9 Local storage rents.....                 | 1758.9 Local storage rents.....  | 758.9 Local storage rents.....   | 758.9 Local storage rents.  |
| 2758.10 Joint expenses—debit.....               | 1758.10 Joint expenses—debit.....  | 758.10 Joint expenses—debit.....   | 758.10 Joint expenses—debit.  |
| 2758.11 Joint expenses—credit.....              | 1758.11 Joint expenses—credit.....   | 758.11 Joint expenses—credit.....  | 758.11 Joint expenses—credit.   |
| <b>III. TRANSMISSION</b>                        | <b>III. TRANSMISSION</b>   | <b>III. TRANSMISSION</b>   | <b>III. TRANSMISSION</b>  |
| <i>Operation</i>                                | <i>Operation</i>   | <i>Operation</i>   | <i>Operation</i>  |
| 2759. System operation.....                     | 1759.1 Operation supervision and engineering.                              | 759.1 Operation supervision and engineering.   | 759.1 Operation supervision and engineering.  |
|   | 1759.2 System operation.....   | 759.2 Operation labor.....   | 759.21 Main operation labor.<br>759.22 Compressor station labor.<br>759.23 Measuring and regulating station labor.<br>759.24 Other operation labor.<br>759.31 Main operation supplies and expenses.<br>759.32 Compressor station supplies and expenses.<br>759.33 Measuring and regulating station supplies and expenses.<br>759.34 Other operation supplies and expenses.<br>759.4 Transmission maps and records.  |
|   |  | 759.3 Operation supplies and expenses.....   | 759.31 Main operation supplies and expenses.<br>759.32 Compressor station supplies and expenses.<br>759.33 Measuring and regulating station supplies and expenses.<br>759.34 Other operation supplies and expenses.   |
|   |  | 759.4 Transmission maps and records.....   | 759.4 Transmission maps and records.  |
| <i>Maintenance</i>                              | <i>Maintenance</i>   | <i>Maintenance</i>   | <i>Maintenance</i>  |
| 2760. System maintenance.....                   | 1760. System maintenance.....  | 760.1 Maintenance supervision and engineering.<br>760.2 Maintenance of structures and improvements.<br>760.3 Maintenance of transmission mains.<br>760.4 Maintenance of compressor station equipment.<br>760.5 Maintenance of measuring and regulating station equipment.<br>760.6 Maintenance of other transmission system equipment. | 760.1 Maintenance supervision and engineering.<br>760.21 Maintenance of compressor station structures.<br>760.22 Maintenance of measuring and regulating station structures.<br>760.23 Maintenance of other structures.<br>760.3 Maintenance of transmission mains.<br>760.4 Maintenance of compressor station equipment.<br>760.5 Maintenance of measuring and regulating station equipment.<br>760.6 Maintenance of other transmission system equipment.  |

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| Accounts for class D natural gas companies                    | Accounts for class C natural gas companies                    | Accounts for class B natural gas companies                            | Accounts for class A natural gas companies                             |
|---|---|---|--|
| <b>VI. SALES PROMOTION EXPENSES—Con.</b>                      | <b>VI. SALES PROMOTION EXPENSES—Con.</b>                      | <b>VI. SALES PROMOTION EXPENSES—Con.</b>                              | <b>VI. SALES PROMOTION EXPENSES—Con.</b>                               |
| 2789. Merchandising, jobbing, and contract work.              | 1789. Merchandising, jobbing, and contract work.              | 789. Merchandising, jobbing, and contract work.                       | 789. Merchandising, jobbing, and contract work.                        |
|   |   | 789.1 Revenues from merchandising, jobbing, and contract work.        | 789.1 Revenues from merchandising, jobbing, and contract work.         |
|   |   | 789.2 Cost and expenses of merchandising, jobbing, and contract work. | 789.2 Costs and expenses of merchandising, jobbing, and contract work. |
| <b>VII. ADMINISTRATIVE AND GENERAL EXPENSES</b>               | <b>VII. ADMINISTRATIVE AND GENERAL EXPENSES</b>               | <b>VII. ADMINISTRATIVE AND GENERAL EXPENSES</b>                       | <b>VII. ADMINISTRATIVE AND GENERAL EXPENSES</b>                        |
| 2790. General office salaries.                                | 1790. General office salaries.                                | 790. Salaries of general officers and executives.                     | 790. Salaries of general officers and executives.                      |
|   |   | 791. Other general office salaries.                                   | 791. Other general office salaries.                                    |
|   | 1793. General office supplies and expenses.                   | 792. Expenses of general officers and general office employees.       | 792. Expenses of general officers.                                     |
|   | 1794. Management and supervision fees and expenses.           | 793. General office supplies and expenses.                            | 792.2 Expenses of general office employees.                            |
| 2793. General office and miscellaneous expenses.              | 1795. Special legal services.                                 | 794. Management and supervision fees and expenses.                    | 793. General office supplies and expenses.                             |
|   | 1796. Insurance.  | 795. Special legal services.  | 794. Management and supervision fees and expenses.                     |
|   | 1799. Injuries and damages.                                   | 796. Insurance.   | 795. Special services.   |
|   |   | 797. Injuries and damages.  | 800.1 Employees' welfare expenses.                                     |
|   |   | 798. Special services.  | 800.2 Pensions.  |
|   | 1800. Other general expenses.                                 | 800. Employees' welfare expenses and pensions.                        | 801. Miscellaneous general expenses.                                   |
|   |   | 801. Miscellaneous general expenses.                                  | 801.1 Committions paid under agency sales contracts.                   |
| 2797. Regulatory commission expenses.                         | 1797. Regulatory commission expenses.                         | 802. Committions paid under agency sales contracts.                   | 797. Regulatory commission expenses.                                   |
|   |   | 797. Regulatory commission expenses.                                  | 802.1 Maintenance of structures and improvements.                      |
| 2802. Maintenance of general property.                        | 1802. Maintenance of general property.                        | 802. Maintenance of general property.                                 | 802.2 Maintenance of office furniture and equipment.                   |
|   |   |   | 802.3 Maintenance of communication equipment.                          |
| 2803. Rents.  | 1803. Rents.  | 803. Rents.   | 802.4 Maintenance of miscellaneous property.                           |
| 2805. Franchise requirements.                                 | 1805. Franchise requirements.                                 | 805. Franchise requirements.  | 803. Rents.  |
|   |   | 805.1 Cash outlays.   | 805. Franchise requirements.   |
|   |   | 805.2 Gas supplied without charge—debit.                              | 805.1 Cash outlays.  |
|   |   | 805.3 Other items furnished without charge—debit.                     | 805.2 Gas supplied without charge—debit.                               |
| 2806. Duplicate miscellaneous charges—credit.                 | 1806. Duplicate miscellaneous charges—credit.                 | 806. Duplicate miscellaneous charges—credit.                          | 805.3 Other items furnished without charge—debit.                      |
| 2807. Administrative and general expenses transferred—credit. | 1807. Administrative and general expenses transferred—credit. | 807. Administrative and general expenses transferred—credit.          | 806. Duplicate miscellaneous charges—credit.                           |
| 2808. Joint expenses—debit.                                   | 1808. Joint expenses—debit.                                   | 808. Joint expenses—debit.  | 807. Administrative and general expenses transferred—credit.           |
| 2809. Joint expenses—credit.                                  | 1809. Joint expenses—credit.                                  | 809. Joint expenses—credit.   | 808. Joint expenses—debit.   |
| 2810. Stores expenses. <sup>1</sup>                           |   |   | 809. Joint expenses—credit.  |
| 2811. Transportation expenses. <sup>1</sup>                   |   |   |  |

<sup>1</sup> Required to be kept by class D utilities that are not using the optional clearing Accounts 2992, Stores Expenses, and 2993, Transportation Expenses.

[F. R. Doc. 50-7978; Filed, Oct. 3, 1950; 8:50 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

#### PART 958—IRISH POTATOES GROWN IN COLORADO

##### APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER (15 F. R. 5958). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the area committee for Area No. 1 (established pursuant to said agreement

and order) the following rules and regulations are hereby approved.

§ 958.206 *Budget of expenses and rate of assessment, Area No. 1.* The expenses necessary to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to \$1,800.00.

The rate of assessment, to be paid by each handler who first ships potatoes from Area No. 1, shall be six-tenths of one cent per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of September 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-8655; Filed, Oct. 3, 1950; 8:46 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 229]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 285]

#### PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

##### CERTAIN STATES

Amendment 289 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 286 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) Said Rent Regulations are amended in the following respects:

## RULES AND REGULATIONS

1. In Schedule C, Item 48, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Hartford County, the Cities of Bristol, Hartford and New Britain.

This adds to Schedule C the following localities in the State of Connecticut, portions of the Hartford-New Britain, Connecticut, Defense-Rental Area, based on declarations made by local governing bodies on the dates specified below in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

- (1) The City of Bristol—September 5, 1950.
- (2) The City of Hartford—September 11, 1950.

2. In Schedule C, Item 49, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In New Haven County, the City of Ansonia and the Towns of Hamden and West Haven.

This adds to Schedule C the Town of Hamden, Connecticut, in the New Haven, Connecticut, Defense-Rental Area, based on a declaration made on September 7, 1950, by the local governing body of said Town in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

3. In Schedule C, Item 83, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Cook County, the Cities of Berwyn, Calumet City, Chicago and Evanston, the Villages of Arlington Heights, Bedford Park, Bellwood, Glencoe, Justice, Morton Grove, Niles, North Riverside, Oak Park, Park Forest, Riverside and Schiller Park, and all unincorporated localities; in Lake County, the City of Waukegan, the Villages of Antioch and Libertyville, and all unincorporated localities; and in Kane County, all unincorporated localities.

This adds to Schedule C the following localities in the State of Illinois, portions of the Chicago, Illinois, Defense-Rental Area, based on declarations made by local governing bodies on the dates specified below in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

- (1) The Village of Oak Park—August 30, 1950.
- (2) The Village of Park Forest—August 31, 1950.

4. In Schedule C, Item 88, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In La Salle County, the Cities of La Salle, Marseilles, Mendota, Oglesby, Ottawa, Peru, and Streator, and all unincorporated localities.

This adds to Schedule C the City of Peru, Illinois, in the La Salle County, Illinois, Defense-Rental Area, based on a declaration made on August 30, 1950, by the local governing body of said City in accordance with section 204 (f) (1)

of the Housing and Rent Act of 1947, as amended.

5. In Schedule C, Item 174, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In St. Charles County, the City of St. Charles.

In Madison County, the City of Madison; and in St. Clair County, the City of East St. Louis and the Villages of Dupon, New Athens and Swansea.

This adds to Schedule C the Village of Swansea, Illinois, in the St. Louis, Missouri, Defense-Rental Area, based on a declaration made on August 28, 1950, by the local governing body of said Village in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

6. In Schedule C, Item 188a, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Camden County, the City of Camden, the Boroughs of Lindenwood, Oaklyn, Runnemede and Woodlynne and the Township of Berlin; in Burlington County; the City of Burlington; and in Gloucester County, the Borough of Glassboro.

This adds to Schedule C the following localities in the State of New Jersey, portions of the Southern New Jersey Defense-Rental Area, based on declarations made on the dates specified below by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

- (1) The Borough of Runnemede—September 5, 1950.
- (2) The Township of Berlin—September 11, 1950.
- (3) The Borough of Glassboro—September 14, 1950.

7. In Schedule C, Item 190, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Bergen County, the Cities of East Rutherford and North Arlington and the Boroughs of Closter, Fort Lee, Palisades Park and Teterboro; in Essex County, the City of Newark and the Town of Belleville; in Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Town of West New York and the Township of North Bergen; in Middlesex County, the Borough of South River; in Monmouth County, the City of Long Branch and the Borough of Red Bank; in Morris County, the Township of Hanover; and in Union County, the Cities of Linden and Rahway and the Boroughs of Roselle and Roselle Park.

This adds to Schedule C the following localities in the State of New Jersey,

portions of the Northeastern New Jersey Defense-Rental Area, based on declarations made on the dates specified below by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

- (1) The Borough of South River—September 11, 1950.
- (2) The Borough of Palisades Park and the Town of Belleville—September 12, 1950.
- (3) The City of Rahway—September 13, 1950.
- (4) The Borough of Roselle Park—September 14, 1950.

8. In Schedule C, Item 267, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Allegheny County, the City of McKees Rocks and the Boroughs of Carnegie and East Pittsburgh; in Beaver County, the Boroughs of Alliquippa and Ambridge; in Washington County, the Township of North Strabane; and in Westmoreland County, the City of Arnold and the Borough of Manor.

This adds to Schedule C the following localities in the State of Pennsylvania, portion of the Pittsburgh, Pennsylvania, Defense-Rental Area, based on declarations made on the dates specified below by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

- (1) The Boroughs of East Pittsburgh and Manor—September 5, 1950.
- (2) The Borough of Carnegie—September 7, 1950.
- (3) The City of Arnold—September 13, 1950.

9. In Schedule C, Item 371, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended to read as follows:

In Puerto Rico, the Municipalities of Caguas, Carolina, Catano, Cayey, Cidra, Corozal, Hatillo, Isabella, Lolza, Naranjito, Rio Piedras, San Lorenzo and San Sebastian.

This adds to Schedule C the following localities in the Puerto Rico Defense-Rental Area, based on declarations made on the dates specified below by local governing bodies in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended:

- (1) The Municipality of Hatillo—August 31, 1950.
- (2) The Municipality of Caguas—September 2, 1950.
- (3) The Municipality of Catano—September 5, 1950.
- (4) The Municipality of Rio Piedras—September 12, 1950.

10. The following new items are incorporated in Schedule C:

| Name of defense-rental area      | State             | Localities affected by declarations for continuance of rent control after Dec. 31, 1950 |
|----------------------------------|-------------------|---|
| (51) Waterbury.....              | Connecticut.....  | In New Haven County, the city of Waterbury.   |
| (72) Bambridge-Cairo.....        | Georgia.....      | In Decatur County, the city of Bainbridge.  |
| (85) Dixon.....                  | Illinois.....     | In Lee County, the village of Franklin Grove.   |
| (227) Cincinnati.....            | Ohio.....         | In Clermont County, the villages of Bethel and Felicity.                                |
| (262) Harrisburg.....            | Pennsylvania..... | In Dauphin County, the borough of Middletown.   |
| (356) Huntington.....            | Kentucky.....     | In Boyd County, the city of Catlettsburg.   |
| (359) Wheeling-Steubenville..... | Ohio.....         | In Jefferson County, the city of Steubenville.  |

This addition to Schedule C is based upon declarations made on the dates specified below, in accordance with section 204 (f) (1) of the Housing and Rent Act, of 1947, as amended, by the local governing bodies of the following localities:

- (1) The Village of Felicity, Ohio—July 24, 1950.
- (2) The Village of Bethel, Ohio—August 18, 1950.
- (3) The City of Steubenville, Ohio—August 29, 1950.
- (4) The Village of Franklin Grove, Illinois—August 30, 1950.
- (5) The City of Bainbridge, Georgia—September 5, 1950.
- (6) The Cities of Waterbury, Connecticut, and Catlettsburg, Kentucky, and the Borough of Middletown, Pennsylvania—September 11, 1950.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 29th day of September 1950.

ED DUPREE,  
Acting Housing Expediter.

[F. R. Doc. 50-8653; Filed, Oct. 3, 1950; 8:46 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter E—Organized Reserves

#### PART 562—RESERVE OFFICERS' TRAINING CORPS

##### MISCELLANEOUS AMENDMENTS

A new paragraph (v) is added to § 562.2, and §§ 562.8 and 562.9 are changed, as follows:

##### § 562.2 Definitions. \* \* \*

(v) Army Medical Service ROTC unit. The term "Army Medical Service ROTC unit" will be understood to refer to medical, dental, veterinary, and pharmacy ROTC units.

§ 562.8 Certificate of eligibility. (a) The PMS&T at a class MJC institution will grant to all qualified students who have successfully completed the advanced course, senior division, and who have successfully completed 2 years of academic work on a college level, a certificate of eligibility (valid only for a period of 2 years) which will enable the student to:

(1) Upon enlistment or induction in the Army, enter an officer candidate school course regardless of quota limitations set by the Department of the Army, provided he is 19 years of age and meets physical, enlistment, and eligibility requirements.

(2) Receive a Reserve commission upon successful completion of 2 additional years of undergraduate study.

(b) The PMS&T at class MI, MJC, MC, or CC institutions will grant certificates of eligibility (valid only for a period of 2 years) for entrance to an officer candidate school course, within quota limitations set by the Department of the Army, to all qualified students who:

- (1) Have completed the basic course, senior division, ROTC;
- (2) Have completed 2 years of college studies;
- (3) Do not pursue their college studies to completion;
- (4) Are 19 years of age or over; and
- (5) Meet physical, enlistment, and eligibility requirements.

§ 562.9 Certificates of recognition. ROTC students who do not complete all the ROTC courses required for appointment as an officer may be granted certificates of recognition. Such certificates will be of value in applying for admission to an Army officer candidate course, provided students meet the physical, enlistment, and eligibility requirements, or for appointment as a non-commissioned officer in the Organized Reserve Corps.

[C 3, AR 145-5, Sept. 18, 1950] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381-383, 441)

[SEAL] EDWARD F. WITSELL,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 50-8647; Filed, Oct. 3, 1950; 8:45 a. m.]

#### PART 564—ENLISTED RESERVE CORPS

##### MISCELLANEOUS AMENDMENTS

Part 564 is hereby amended by adding a new paragraph (m) to § 564.3 and changing paragraph (g) of § 564.4 to read as follows:

##### § 564.3 Ineligibility. \* \* \*

(m) Female personnel with a dependent or dependents under 18 years of age, or a child or children under 18 years of age, or who have any legal or other custody, control, care, maintenance, or support of any child or children under 18 years of age. Women who have surrendered all rights to custody and control of such children or dependents through formal adoption or final divorce proceedings are eligible.

##### § 564.4 Grade. \* \* \*

(g) Applicants without prior \* \* \* Applicants with prior service may be similarly enlisted in a grade higher than that held upon discharge if the civilian technical skills acquired since discharge merit such higher grade.

[C3, SR 140-107-1, 19 Sept. 1950] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 55, 39 Stat. 195, as amended, sec. 35, 41 Stat. 720; 10 U. S. C. 421, 423-427)

[SEAL] EDWARD F. WITSELL,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 50-8660; Filed, Oct. 3, 1950; 8:47 a. m.]

#### Subchapter F—Personnel

#### PART 577—MEDICAL AND DENTAL ATTENDANCE

##### MISCELLANEOUS AMENDMENTS

Part 577 is hereby amended by changing paragraph (f) and adding a new

paragraph (g) to § 577.21, and changing paragraph (e) of § 577.24, to read as follows:

§ 577.21 Admission and treatment of merchant seamen in medical facilities of Department of the Army outside Continental United States. \* \* \*

(f) Collection of charges. The medical treatment facility concerned will collect from the patient or from the patient's local ship's agent, charges for medical services at rates applicable to the fiscal year concerned. Remittances from the patient or the ship's agent will be made to the medical treatment facility concerned by cash or certified check.

(g) Immunization and physical examination. Immunizations and physical examinations of the personnel covered in this section (excluding immunization and physical examination which are an actual part of the inpatient or outpatient medical, surgical, or dental treatment authorized in paragraphs (d) and (e) of this section) by the Department of the Army medical treatment facilities overseas, when adequate facilities are available.

§ 577.24 Army and Navy General Hospital. \* \* \*

(e) Charges.—(a) Subsistence charges. Subsistence charges will be made as follows:

(1) For enlisted personnel on the active list of the Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, 60 cents a day, to be paid by the proper superior upon monthly statements submitted by the commanding officer of this hospital direct to the Surgeon General of the Navy, the Commanding Officer of the Coast Guard, and the disbursing agent of the Coast and Geodetic Survey, respectively.

(ii) For officers and those subsisted on a like status, \$1.50 per day.

(iii) For cadets of the United States Military Academy, midshipmen of the United States Naval Academy, and retired nurses who did not have the status of officers of the Army or entitlement to the pay and allowances of such an officer at the time of their retirement, 85 cents per day.

(iv) For those subsisted on the status of enlisted personnel, 85 cents per day.

(2) Medicine charges. Medicine charges will be collected from patients not entitled to medical care and treatment at the expense of the Government, and from the proper governmental Department concerned, other than the Department of the Army, for those patients entitled to medical care and treatment at the expense of the appropriations of their respective Departments, as follows:

(i) For a patient in hospital, 50 cents for each day in hospital.

(ii) For a dispensary case or outpatient, 50 cents for each prescription or treatment.

(iii) Such additional charges as may be necessary to cover the cost of expensive medicines, dressings, or appliances.

[AR 40-695, Sept. 18, 1950; C2, SR 40-590-43, Sept. 19, 1950]

(R. S. 161, 22 Stat. 121, 46 Stat. 781; 5 U. S. C. 22, 24 U. S. C. 18; E. O. 6885, Oct. 23, 1934)

[SEAL] EDWARD F. WITSELL,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 50-8546; Filed, Oct. 3, 1950;  
8:45 a. m.]

## TITLE 46—SHIPPING

### Chapter II—Federal Maritime Board, Maritime Administration, Depart- ment of Commerce

#### Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 12, Revised, Supp. I]

#### PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFER- ENTIAL SUBSIDY AGREEMENTS

1. Section 281.1 (USMC General Order 12, Revised) published in the FEDERAL REGISTER issue of August 6, 1949 (14 F. R. 4875) is hereby amended as follows:

a. By striking out the words "United States Maritime Commission" and "Commission" wherever they appear in this section and insert in lieu thereof the words "Maritime Administration" and

b. By striking out the word "Commission's" wherever it appears in this section and insert in lieu thereof the words "Maritime Administration's"

2. Paragraph (a) of said § 281.1 is hereby superseded and amended to read:

(a) *Sailing schedules, routes, etc.* (1) Tentative sailing schedules,<sup>1</sup> in triplicate, are required to be submitted not later than 15 days prior to the commencement of the month in which the proposed sailings are to be made. Such schedules to show separately for each vessel: (i) Name and type of vessel, voyage number, whether owned or chartered, and whether subsidy is requested or not; (ii) the subsidized service in which the proposed sailing is to be made, indicating if said service is not the same as the one to which the vessel has been assigned by contract; and (iii) anticipated arrival and sailing dates for each United States and foreign port of call.

(2) Revised sailing schedules,<sup>1</sup> in triplicate, are required to be submitted on or before the 10th of the month following that for which tentative schedules were submitted. Such revised schedules must show: (i) The actual date and the port at which the voyage commenced, and all the changes, actual or proposed, in the arrival and departure dates at United States and foreign ports.

(3) A "Final Report"<sup>2</sup> in eight copies, shall be submitted as promptly as possible after completion of the voyage and it is required to show: (i) The time and ports at which the voyage commenced and terminated; (ii) the arrival and

<sup>1</sup> Approval of tentative, and/or revised sailing schedules referred to herein will be tentative as to compliance with sailing requirements, and are not to be construed as approval for payment of subsidy.

<sup>2</sup> Two approved copies of the "Final Report" will be returned to the Operator, one of which is to be attached to the Operator's original voucher (Form 1034-Rev.) when submitted for payment of subsidy.

sailing dates of the vessel at and from each United States and foreign port, including ports of call for bunkering and/or mail only (iii) explanation of any delays at United States or foreign ports, idle status and repair periods. In the event a vessel omits a scheduled foreign port or ports of call, as shown on the "Revised Sailing Schedules" due to "war conditions, strikes, riots, etc." an explanation must be shown on the "Final Report" of the completed voyage.

(4) The effective dates of the procedures outlined in subparagraphs (1), (2) and (3) of this paragraph are as follows:

(i) *Tentative sailing schedules.* September 15, 1950, for sailings to be made on and after October 1, 1950.

(ii) *Revised sailing schedules.* November 10, 1950, for sailings made on and after October 1, 1950.

(iii) *Final report on completed voyages.* To be rendered promptly in connection with each voyage terminated on and after January 1, 1950.

(49 Stat. 2001-2007, as amended; 46 U. S. C. 1171-1180)

Dated: September 7, 1950.

E. L. COCHRANE,  
Maritime Administrator

[F. R. Doc. 50-8708; Filed, Oct. 3, 1950;  
8:50 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

##### LIST OF TREATIES, AGREEMENTS AND ARRANGEMENTS

In the matter of amendment to Appendix A to Part 2 of the Commission's rules and regulations. List, for information only, of treaties, agreements and arrangements.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of September 1950;

The Commission having under consideration Appendix A to Part 2 of its rules and regulations; and

It appearing, that the proposed changes are not substantive and do not in any way affect the requirements of any of the Commission's rules and regulations; that said changes consist of the addition of information with reference to the International Telegraph Regulations signed at Paris on August 5, 1949; information relative to international agreements concerning aviation communications; and other editorial changes; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons.

It is ordered, That, effective immediately, Appendix A to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 4.)

Released: September 21, 1950.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. F. MASSING,  
Acting Secretary.

1. Delete, in Paragraph 1 of Appendix A to Part 2, Frequency Allocation and Treaty Matters; General Rules and Regulations, in the third column, the material with respect to TIAS 1901 beginning with the word "upon" and ending with the figure "1950" Substitute therefor the following: "upon the effective date of the new International Frequency List (to be determined)"

2. Add as the third item in paragraph 3 the following:

| Date | Subject   |
|------|---|
| 1949 | Telegraph Regulations (Paris Revision, 1949) annexed to the International Telecommunication Convention (Atlantic City, 1947), and Final Protocol to the Telegraph Regulations, Signed at Paris, Aug. 5, 1949. Effective July 1, 1950. Subject to ratification procedure in the United States. (Not yet available from Government Printing Office as of Sept. 20, 1950. Available through the International Telecommunication Union, Geneva, Switzerland.) |

3. Add to the third item under "Date", in paragraph 4, the following:

1949 }  
1950 }

4. Add as the last item in paragraph 4, the following:

| Date | Series | Subject   |
|------|--------|---|
| 1949 | -----  | Frequency Allotment Plan for the Aeronautical Mobile Service and Final Agreement. Agreement between the United States of America and Other Powers. Signed at Geneva Oct. 14, 1949. (Not available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.) |

[F. R. Doc. 50-8671; Filed, Oct. 3, 1950;  
8:48 a. m.]

#### PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

##### MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 34 of the Commission's rules and regulations; uniform system of accounts for radiotelegraph carriers.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration the matter of amendment of Part 34 of its rules and regulations, relating to the uniform system of accounts for radiotelegraph carriers;

It appearing, that, pursuant to authorization contained in the Commission's order of January 27, 1950, in Docket No. 8230, in the matter of charges for com-

munications service between the United States and overseas and foreign points, special rates for government traffic between the United States and many foreign countries have been eliminated; and

It further appearing, that the United States has become a party to the International Telegraph Regulations, that said regulations do not provide for special indicators to identify the particular government which files international telegraph messages but only requires that such telegrams shall bear at the end of the preamble the service instruction "Etat," and that several foreign administrations have informed United States international telegraph carriers that they object to the continued use of special indicators identifying the government which files international telegraph messages; and

It further appearing, that without some special indicator to distinguish between messages sent by the United States Government and messages sent by foreign governments, it is unduly burdensome to the international telegraph carriers to segregate the revenue from such messages as provided in §§ 34.3115, 34.3120, 34.3215, 34.3220, 34.3315 and 34.3320 of the Commission's rules and regulations; and

It further appearing, that it is desirable to delete the aforementioned requirements for segregation of revenue from government messages by amendment of the rules pertaining thereto; and

It further appearing, that all persons subject to such requirements have had actual notice of the proposals herein and, therefore, publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is unnecessary and may be dispensed with; and

It further appearing, that authority for the proposed amendment is contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

*It is ordered*, That effective April 1, 1951, Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) of the Commission's rules and regulations is amended as set forth below: *Provided however* That any carrier may adopt the modified accounting procedure set forth in such amendment with respect to its accounts subsequent to December 31, 1949:

1. Delete §§ 34.3120, 34.3220, and 34.3320;

2. Redesignate §§ 34.3115, 34.3215, and 34.3315 as §§ 34.3116, 34.3216, and 34.3316, respectively and amend the redesignated sections by (a) deleting the letters "U. S." in the headnotes, (b) inserting the word "government" between "of" and "messages" in the text, and (c) deleting the words "at effective rates available to the United States Government"

which follow the word "messages" in each of these sections;

3. Amend the table of contents and the table in § 34.31-99 to reflect the foregoing changes.

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154. Interprets or applies 220, 48 Stat. 1078; 47 U. S. C. 220)

Adopted: September 20, 1950.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8675; Filed, Oct. 3, 1950;  
8:48 a. m.]

#### PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

##### MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 35 of the Commission's rules and regulations; uniform system of accounts for wire-telegraph and ocean-cable carriers.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration the matter of amendment of Part 35 of its rules and regulations, relating to the uniform system of accounts for wire-telegraph and ocean-cable carriers;

It appearing, that, pursuant to authorization contained in the Commission's order of January 27, 1950, in Docket No. 8230, in the matter of charges for communications service between the United States and overseas and foreign points, special rates for government traffic between the United States and many foreign countries have been eliminated; and

It further appearing, that the United States has become a party to the International Telegraph Regulations, that said regulations do not provide for special indicators to identify the particular government which files international telegraph messages but only requires that such telegrams shall bear at the end of the preamble the service instruction "Etat," and that several foreign administrations have informed United States international telegraph carriers that they object to the continued use of special indicators identifying the government which files international telegraph messages; and

It further appearing, that without some special indicator to distinguish between messages sent by the United States government and messages sent by foreign governments, it is unduly burdensome to the international telegraph carriers to segregate the revenue from such messages as provided in §§ 35.3215 and 35.3220 of the Commission's rules and regulations; and

It further appearing, that it is desirable to delete the aforementioned requirements for segregation of revenue from government messages by amend-

ment of the rules pertaining thereto; and

It further appearing, that all persons subject to such requirements have had actual notice of the proposals herein and, therefore, publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is unnecessary and may be dispensed with; and

It further appearing, that authority for the proposed amendment is contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

*It is ordered*, That effective April 1, 1951, Part 35 (Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers) of the Commission's rules and regulations is amended as set forth below: *Provided however* That any carrier may adopt the modified accounting procedure set forth in such amendment with respect to its accounts subsequent to December 31, 1949:

1. Delete § 35.3220;

2. Redesignate § 35.3215 as § 35.3216; and amend the redesignated section by (a) changing the headnote to read "Government message revenue," (b) inserting the word "government" between "of" and "messages" in the text, and (c) deleting the words "at effective rates available to the United States Government" which follow the word "messages" in this section;

3. Amend the table of contents and the table in § 35.31-99 to reflect the foregoing changes.

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154. Interprets or applies Sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

Adopted: September 20, 1950.

Released: September 21, 1950.

[F. R. Doc. 50-8674; Filed, Oct. 3, 1950;  
8:48 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[S. O. 858-B]

#### PART 95—CAR SERVICE

##### SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of September A. D. 1950.

Upon further consideration of Service Order No. 868 (15 F. R. 6314, 6452) and good cause appearing therefor: It is ordered, that:

Section 95.868 Service Order No. 868, *Suspension of follow-lot rule and two-*



for-one rule be, and it is hereby suspended until further order of this Commission.

It is further ordered, that this order shall become effective at 12:01 a. m., October 4, 1950; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car

Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W P BARTEL,  
Secretary.

[F. R. Doc. 50-8677; Filed, Oct. 3, 1950;  
8:48 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR, Part 915]

[Docket No. AO-208]

#### HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

#### FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Akron, Ohio, on November 14-18, 1949, pursuant to notice thereof which was published in the FEDERAL REGISTER (F. R. Doc. 49-8577, 14 F. R. 6523) upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Akron, Ohio, marketing area. The recommended decision (F. R. Doc. 50-5396, 15 F. R. 4009) of the Assistant Administrator, Production and Marketing Administration, and the decision (F. R. Doc. 50-7512, 15 F. R. 5797), of the Secretary of Agriculture, setting forth a proposed marketing agreement and a proposed order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on June 22 and August 29, 1950, respectively. The Secretary also issued an order (F. R. Doc. 50-7516, 15 F. R. 5803) directing that a referendum be conducted among producers to determine whether the requisite percentage of such producers favor the issuance of the proposed order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that issuance of the proposed order regulating the handling of milk in the Akron, Ohio, marketing area, is not favored by the requisite percentage of producers, voting in the aforesaid referendum.

It is hereby further determined that the proposed order set forth in the Secretary's decision of August 24, 1950 (F. R. Doc. 50-7512, 15 F. R. 5797) will not be issued or made effective because of the failure of producers to approve or favor its issuance by the requisite percentage

of producers voting in the referendum conducted among such producers.

Done at Washington, D. C., this 29th day of September 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-8656; Filed, Oct. 3, 1950;  
8:48 a. m.]

#### [7 CFR, Part 974]

[Docket No. AO 176-A 8]

#### HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

#### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE COLUMBUS, OHIO, MARKETING AREA

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a hearing to be held at the Virginia Hotel, North Third and Gays Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., October 10, 1950, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments proposed by The Central Ohio Co-operative Milk Producers, Inc..

1. Delete § 974.51 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, \$1.10; and all others \$1.35: *Provided*, That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to the proviso) for the two months immediately preceding; and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arith-

metical average of the prices computed for such class pursuant to this paragraph (prior to the proviso) for the two months immediately preceding.

2. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, \$0.70; and all others, \$0.95.

It has been represented that an emergency exists in the market with respect to these proposals. Accordingly, this hearing has been called for the purpose of receiving evidence with respect to the economic and emergency conditions which relate thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, Room 41, Old Federal Building, Columbus, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 29, 1950, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,  
Assistant Administrator

[F. R. Doc. 50-8678; Filed, Oct. 3, 1950;  
8:48 a. m.]

#### [7 CFR, Part 987]

#### IRISH POTATOES GROWN IN MAINE

#### NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the State of Maine Potato Committee, established pursuant to Marketing Agreement No. 108 and Order No. 87 (7 CFR Part 987) regulating the handling of Irish potatoes grown in the State of Maine, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agricul-

culture, Washington 25, D. C., not later than 15 days following publication of this notice in the *FEDERAL REGISTER*. The proposals are as follows:

§ 987.203 *Budget of expenses and rate of assessment.* (1) The expenses necessary to be incurred by the State of Maine Potato Committee, established pursuant to Marketing Agreement No. 108 and Order No. 87, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending June 30, 1951, will amount to \$40,000.00.

(2) The rate of assessment to be paid by each handler who first ships potatoes during such fiscal year shall be seventy cents per railroad car; or sixty cents per truckload of a net weight of 25,000 pounds or more; or forty-five cents per truckload of at least 10,000 pounds but less than 25,000 pounds net weight; or fifteen cents per truckload of less than 10,000 pounds net weight; or \$0.00125 per hundredweight for other units, whether by floor lot, bin, or warehouse.

(3) Terms used herein shall have the same meaning as when used in Marketing Agreement No. 108 and Order No. 87 (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Done at Washington, D. C. this 29th day of September 1950.

[SEAL] S. R. SMITH,  
Director  
*Fruit and Vegetable Branch.*

[F. R. Doc. 50-8679; Filed, Oct. 3, 1950; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

### [14 CFR, Part 291]

[Draft Release No. 43-A]

#### AMENDMENT OF OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR AIR CARRIERS

#### SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND HEARING THEREON

By notice dated June 5, 1950 (Economic Regulations Draft Release No. 43) published on June 8, 1950, at 15 F. R. 3590, the Board gave notice that it has under consideration the proposed amendment of Part 291 of the Economic Regulations (14 CFR 291) by adding thereto a new § 291.27 establishing further conditions on the operating authority of large irregular carriers and specifying the extent of the operations to be permitted. Reference is made to said notice for the terms of the proposed rule and further explanation thereof. Copies of Draft Release No. 43 may be obtained from the Secretary, Civil Aeronautics Board, Washington 25, D. C.

The Board having received requests which appear to warrant it, notice is hereby given that a public hearing will be given before the Civil Aeronautics Board on October 17, 1950, at 10:00 a. m. (e. s. t.) in Room 5042, Department of Commerce Building, Washington, D. C.,

No. 192—4

at which interested persons may present oral argument with respect to the proposed rule. Those desiring to be heard are requested to inform F. W. Brown, Chief Examiner, Civil Aeronautics Board, at least 5 days in advance of the hearing. Each speaker will be limited to twenty minutes unless special permission is granted pursuant to written request submitted to Mr. Brown prior to October 12, 1950, stating the amount of time desired and the persons officially represented.

Such oral presentation may be in explanation of, in addition to, or in lieu of written submission pursuant to the previous Notice (Draft Release No. 43).

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 50-8648; Filed, Oct. 3, 1950; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

#### TELEVISION BROADCAST SERVICE

#### ORDER ACCEPTING ENGINEERING STATEMENT AS COMMENT

In the matters of amendment of § 3.608 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations, and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration the petition filed August 17, 1950, by the Tulsa Broadcasting Company requesting leave to file a late comment in the above entitled proceedings proposing (1) that channel 8 be deleted from the allocations proposed for Muskogee, Oklahoma and be allocated to Tulsa, Oklahoma, that channel 21 be deleted from the proposed allocation to Russellville, Arkansas and be allocated to Muskogee, Oklahoma, and that channel 35 be allocated to Russellville, Arkansas; and (2) that channel 13 be deleted from the allocations proposed for Enid, Oklahoma and be allocated to Tulsa, Oklahoma, and that channel 19 be allocated to Enid, Oklahoma; and

It appearing, that good and sufficient reason has been advanced in said petition for the delay in the filing thereof; and that the hearing date for consideration of the proposed allocations has not yet been announced;

It is ordered, That the petition of the Tulsa Broadcasting Company is granted; that the petition and attached supporting engineering statement are accepted as a comment in the above-entitled proceedings; and that interested parties

may file oppositions thereto within 10 days from the date of this order.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8663; Filed, Oct. 3, 1950; 8:47 a. m.]

### [47 CFR, Part 10]

[Docket No. 9793]

#### PUBLIC SAFETY RADIO SERVICES

#### TRANSMITTER CONTROL REQUIREMENTS

In the matter of amendment of Part 10, "rules governing the public safety radio services" Docket No. 9799.

1. Notice is hereby given of proposed rule making in the above mentioned matter.

2. The Commission proposes to amend § 10.107 (e) (1) to read as follows:

§ 10.107 *Transmitter control requirements.*

(e) \* \* \*

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters or to transmitters installed on motorcycles";

3. The proposed change is intended to relax the existing requirements for control point monitoring facilities on mobile stations installed on motorcycles.

4. Authority for the proposed amendment is contained in sections 4 (i) and 303 (f), and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth may file with the Commission on or before October 16, 1950, a statement or brief setting forth his objection. At the same time persons favoring the proposed amendment may file statements in support thereof. The Commission will consider all such comments that are received before taking final action in the matter. If any comments are received which will warrant the holding of a hearing or of oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: September 20, 1950.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8770; Filed, Oct. 3, 1950; 8:47 a. m.]

## [ 47 CFR, Part 20 ]

[Docket No. 9749]

DISASTER COMMUNICATIONS SERVICE  
ORDER EXTENDING TIME FOR FILING OF  
COMMENTS

In the matter of extension of time within which to file comments on proposed new Part 20, "rules governing the disaster communications service;" Docket No. 9749.

The Commission having under consideration the request of the Civil Defense Office that the time for filing comments in the above-entitled matter be extended for a period of 30 days from September 15, 1950;

It appearing, that it is desirable that all interested parties be given adequate opportunity to participate in this matter;

It is ordered, This 21st day of September 1950, that the time within which to file comments in the above-entitled matter be, and it is hereby extended from September 15, 1950 to October 15, 1950.

By the Commission.

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8668; Filed, Oct. 3, 1950;  
8:47 a. m.]

## FEDERAL SECURITY AGENCY

## Food and Drug Administration

## [ 21 CFR, Part 32 ]

[Docket No. FDC-52]

## FROZEN FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY AND STANDARDS OF FILL OF CONTAINER

## NOTICE OF PROPOSED RULE MAKING

It is proposed that by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) on the basis of the evidence received at the hearing duly held pursuant to notice published in the *FEDERAL REGISTER* on March 19, 1948 (13 F. R. 1456) and upon consideration of the conclusions and briefs and of proposed findings of fact filed herein by interested parties which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order be made:

## DEFINITIONS AND STANDARDS OF IDENTITY

*Findings of fact.*<sup>1</sup> 1. Many fruits have been sold in the frozen state for a number of years. The primary purpose of freezing is to retard spoilage of the fruit. In the early commercial development of the industry the fruit alone, or fruit and sugar, was packed in large containers and placed in cold storage. Early experience with frozen fruits showed that it was often advantageous to mix sugar with the fruit before freezing. These frozen fruits were intended primarily for con-

sumption by manufacturers of fruit preserves, certain bakery products, and ice cream. Later, fruits, usually sweetened with sugar, were frozen in small packages for sale to household consumers. In the small packages sugar sirups, instead of dry sugar, soon began to be used with some fruits. At present commercially prepared frozen fruits generally consist of one or more fruit ingredients, or of the fruit ingredient or ingredients to which sugar or a mixture of sugar and other saccharine ingredients in either a dry or liquid form has been added. The added sweetening material is usually referred to by the general term "packing medium." Fruits are frozen commercially by various methods, with different rates of speed. The quicker methods of freezing are generally applied to fruits packed in the smaller containers. A frozen fruit product prepared by any of these methods of freezing is essentially the same, except where the freezing process is the one described in finding 61. (R. 14-17, 23-25, 167-169, 170-172, 195, 204, 226, 905, 932, 1097, 1144-1145, 1334, 1747-1749, 1825, 1879, 1954-1957, 2071-2072, 2184-2185, 2189, 2356-2357, 2408, 2444-2445, 2872-2873, 3966-3974, 3996-3997, 4404-4408; Ex. 22, 25, 36, 54)

-2. The frozen fruits for which standards are being formulated consist of a fresh or frozen fresh fruit ingredient which has been properly prepared, which may have been subjected to a preliminary heat treatment, which has been packed with or without an optional dry packing medium or an optional liquid packing medium, and which has been frozen. In addition, the frozen fruit may contain one or more optional ingredients. Pureed fruits are not included. (R. 11-14, 16-36, 38-47)

3. A number of the fruits that are frozen are prepared in several forms of units. It has long been the general commercial practice to include in the names of such frozen fruits the form of unit of the fruit, and in the case of some frozen fruits the type or variety, e. g., freestone or cling (clingstone) peaches, and light sweet, dark sweet, or red sour (red tart) cherries. The common and usual name of the fruit ingredients of frozen fruit includes the form of the unit, and in specific instances the type or variety of the fruit. Some fruits may be prepared for freezing in other forms of units than are presently prepared commercially, and a practical and suitably descriptive name for each such fruit ingredient will include the particular form of unit. Such names will furnish to consumers, who generally wish to know the form of unit and in specific instances the type or variety of fruit ingredients in frozen fruit, the necessary information to select the desired form and type or variety. (R. 13, 17-21, 261-262, 272, 290-291, 1083-1086, 1188-1189, 2202-2203, 2262, 4244-4245; Ex. 13a-13e, 17A-17E, 18A-18E)

4. Frozen apricots are commercially prepared and packed in the following forms of unit: sliced peeled, sliced unpeeled, halved peeled, halved unpeeled, pitted unpeeled. They may also be prepared in the following forms of unit: diced peeled, diced unpeeled, quartered peeled, quartered unpeeled, whole (unpitted) peeled, whole (unpitted) un-

peeled, pitted peeled, peeled pieces of irregular sizes and shapes, unpeeled pieces of irregular sizes and shapes. A suitably descriptive and practical name for each of these fruit ingredients in frozen fruit is the form of the unit as described above, followed by the word "apricots," or such name with the words arranged in a different order. (R. 11-14, 17, 261-262, 278-284, 1131, 2202-2203, 2262, 4244-4245; Ex. 17C, 18C)

5. When stone fruits are prepared as whole units for freezing without removing the pits, the form of the fruit is referred to as either "whole" or "unpitted." Either of these two terms is accurately descriptive and practical in the name of such frozen fruit ingredient. Where herein the words "sliced," "quartered," or "halved" are referred to as part of the name of a fruit ingredient, the words "slices," "quarters," or "halves," respectively, are equally descriptive and may be used in the alternative. (R. 17-18, 274-278, 902-903, 1191)

6. The following frozen fruits are commercially prepared and packed whole, and the common and usual name of each of these fruits when used in this form as the fruit ingredient in frozen fruit is: blackberries, blueberries, boysenberries, gooseberries, huckleberries, loganberries, red raspberries, black raspberries, youngberries. Dark-red and purplish raspberries are considered red raspberries. (R. 18, 261-262, 2164)

7. Frozen currants and grapes are commercially prepared only in the whole form, and are packed either stemmed or unstemmed. Frozen unstemmed currants and unstemmed grapes are commercially packed without any packing medium. The presence of the stems makes it undesirable and impracticable to add a packing medium. The common and usual name of each of these fruit ingredients in frozen fruit is stemmed currants, unstemmed currants, stemmed grapes, unstemmed grapes, or such name with the words arranged in a different order. (R. 13, 18, 21, 25, 261-262, 1160-1161)

8. Frozen cherries are of three general types: light sweet, dark sweet, and red sour (red tart). Dark-red sour cherries, such as Morello cherries, are considered red sour cherries. Cherries are prepared for freezing either in an unpitted (whole) or pitted form of unit. It is general industry practice to include in the name of the frozen cherries a designation of the type of the cherries and whether they are pitted or unpitted. The common and usual name for each of these fruit ingredients in frozen fruit is: dark sweet pitted cherries, dark sweet unpitted (whole) cherries, light sweet pitted cherries, light sweet unpitted (whole) cherries, red sour (red tart) pitted cherries, red sour (red tart) unpitted (whole) cherries, or such name with the words arranged in a different order. (R. 11-14, 19-20, 261-262, 274-277, 1191, 1188-1189, 2128-2129, 2164, 2202-2203, 2262, 4244-4245; Ex. 33C)

9. It is common commercial understanding that pitted cherries are cherries which have gone through a pitting operation and contain not more than one pit in each 20 ounces of the frozen fruit. When cherries have been sub-

<sup>1</sup>The citations following each finding of fact refer to the pages of the transcript of the testimony and to the exhibits received in evidence at the hearing.

jected to a pitting operation and there is present more than one pit in each 20 ounces of the frozen fruit, the cherries are generally known as being "partially pitted," and it is suitably descriptive and practicable to indicate this condition as part of the name of the cherry fruit ingredient. A reasonable method for determining the number of pits in the frozen fruit is as follows: Collect at random a sample of not less than 24 pounds, weigh, and count the pits and pieces of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the weight of sample, calculate the number of pits present in each 20 ounces of the frozen fruit. (R. 20, 649, 675, 1189-1191, 2202-2203, 2262, 4244-4245)

10. Frozen plums are prepared and packed commercially in the following forms of unit: Halved, pitted, unpitted (whole). They may also be sliced. An accurately descriptive and practical name for each of these fruit ingredients in frozen fruit is the above form of unit, followed by the word "plums," or such name with the words arranged in a different order. A fresh prune is a variety of plum, and when used the name of the fruit ingredient may include the word "prunes" instead of "plums." (R. 11-14, 21, 261-262, 278, 902-903, 2202-2203, 2262, 3752, 4244-4245)

11. Frozen strawberries have been packed commercially either sliced or whole. The common and usual name for each of these fruit ingredients in frozen fruit is: sliced strawberries, whole strawberries, or such name with the words arranged in a different order. (R. 11-13, 18, 261-262, 2503-2505)

12. The commercial preparation of rhubarb for freezing includes removing the leaves and cutting the stalks into pieces of various lengths. The common and usual name of the fruit ingredient in this form used in frozen fruit is rhubarb. (R. 11-13, 21, 289, 903-904, 970-971, 1011-1014, 1414)

13. Frozen peaches are of two general types, freestone and cling (clingstone) the properties of which vary widely from each other. The common and usual name of each is, respectively, "freestone peaches" and "cling (clingstone) peaches." The great majority of peaches commercially frozen are peeled before freezing; there is little commercial demand for unpeeled peaches. Frozen peeled peaches are commonly referred to as "peaches." Frozen peeled freestone peaches and frozen peeled cling (clingstone) peaches are each commercially prepared and packed in the following forms of unit: diced, quartered, whole (unpitted) pitted, pieces of irregular sizes and shapes. A suitably descriptive and practical name for each of these fruit ingredients in frozen fruit is the form of unit as described above, followed by the words "freestone peaches"

or "cling (clingstone) peaches," as the case may be, or such name with the words arranged in a different order. When peaches are prepared in the unpeeled form, the word "unpeeled" is included in the name of each such fruit ingredient. (R. 11-14, 17-18, 261-262, 290-291, 1083-1095, 2202-2203, 2262, 4244-4245; Ex. 13d, 17B, 18B)

14. Frozen unpeeled nectarines are commercially prepared and packed in the following forms of unit: sliced, halved. They may also be prepared in the following forms of unit: diced, quartered, whole (unpitted) pitted, pieces of irregular sizes and shapes. It has not been the commercial practice to freeze peeled nectarines, and there is no need nor demand for frozen peeled nectarines. "Nectarines" in frozen fruit means nectarines which are unpeeled. A suitably descriptive and practical name for each of these fruit ingredients in frozen fruit is the form of unit as described above, followed by the word "nectarines," or such name with the words arranged in a different order. (R. 11-14, 17, 261-262, 284-285, 1095-1097, 2202-2203, 2262, 4244-4245)

15. Mixtures of fruits are commercially prepared and frozen. Fruit ingredients vary in the degree to which they affect the flavor, color, and appearance of the frozen fruit mixture. Frozen fruit mixtures may include fresh or frozen fresh fruit ingredients other than those described in previous findings, and artificially colored or artificially flavored or artificially colored and artificially flavored cherries, but not pureed fruits. In order that each fruit ingredient impart to a reasonable degree some of its fruit characteristics to the mixture, and to prevent possible abuses arising from the use of excessive amounts of the cheaper fruits, it is reasonable and in the interest of consumers to prescribe minimum and maximum percentages by put-in weight of the fruit ingredients, computed on the basis of the total put-in weight of the fruit ingredients. Reasonable minimum and maximum percentages by weight of fruit ingredients are as follows: For a mixture of two fruit ingredients, neither fruit ingredient less than 25 percent; for three fruit ingredients, none less than 10 percent, none more than 70 percent; for four fruit ingredients, one not less than 5 percent, each of the others not less than 10 percent, none more than 65 percent; for five fruit ingredients, each of two not less than 5 percent, each of the others not less than 10 percent, none more than 60 percent; for six or more, each of three not less than 5 percent, each of the others not less than 10 percent, none more than 55 percent. It is the common and usual commercial practice to include in the name of frozen mixed fruit the name of each fruit ingredient contained therein. A suitably descriptive and practical name for the fruit ingredient in a frozen fruit mixture is the name of each fruit ingredient, or the words "mixed fruits," preceded or followed by the name of each fruit ingredient, in each instance with the names of the fruit ingredients arranged in the descending order of their predominance by weight, if any. If a fruit ingredient other than those de-

scribed in previous findings is used in a mixture, the name of such fruit ingredient is its common and usual name. (R. 12, 22-24, 89-97, 261-262, 273, 292-293, 1166-1169, 1173-1181, 1184, 1241-1245, 1247-1250, 1284-1286, 1288-1294, 1435-1438, 2500, 4222; Ex. 21D)

16. Fruit ingredients may be packed and frozen without the addition of any packing medium. The common and usual name of a frozen fruit consisting of one fruit ingredient, without a packing medium, is the name of the fruit ingredient. In the case of a mixture of fruit ingredients packed in such manner, a suitably descriptive and practical name for the frozen fruit is the name of the fruit ingredient in such mixture as set forth in finding 15. (R. 24-25, 172, 242, 261-262, 273, 607, 636, 655-656, 695-696, 930, 987, 1061-1062, 1178, 1250, 1283-1284, 1334, 1416, 1449, 2189, 2503-2505, 4222; Ex. 22, 25)

17. Fruit used in preparing frozen fruit varies in degree of maturity. Good commercial practice and proper preparation include the elimination of fruit which is so immature as to be unsuitable for consumption as fresh fruit. (R. 16-17, 485, 611-612, 905-906, 910-910A, 1093, 1191-1192, 4591; Ex. 33 (p. 9) 44)

18. Proper preparation of fruit for freezing includes cleaning of the fruit. Cleaning includes the removal of extraneous matter and usually involves washing and inspection of the fruit. The washing operation and the contact of the fruit with water at other times during preparation may abstract some juice from the fruit, and will add water to the fruit ingredient and dilute the packing medium unless the fruit ingredient is drained before packing. It is good commercial practice to remove water adhering to the fruit ingredients as far as practicable, and proper preparation requires that the fruit ingredients be well drained. (R. 17, 19, 22, 535, 614, 644, 807, 910-911, 976-978, 1039-1100, 1194, 1197, 1279, 1283-1285, 1431-1433, 1762, 1765-1766, 1786, 3318)

19. In the preparation of fruit for freezing varying amounts of juice may be lost from the fruit as a result of some of the necessary operations, particularly any cutting and pitting. At times fruit is frozen in bulk-size containers and then wholly or partially thawed, cleaned if such has not yet been done, and repackaged in either household or bulk-size containers. Juice exudes from the fruit while in the thawing and thawed condition, and may be lost. It is in the interest of both consumers and packers that loss of juice be kept to a minimum, and proper preparation includes methods of processing which reduce the loss of juice from the fruit to a practical minimum. At times frozen fruit has been thawed either partially or wholly, the exuded juice removed, and the fruit pulp refrozen. Such a refrozen fruit-pulp product may be a legitimate product, represented for what it is, but it is not frozen fruit as defined in this order. (R. 22, 81-89, 243-244, 912-919, 1027-1031, 1035-1037, 1041-1042, 1060, 1061, 1104-1106, 1197-1202, 1205, 1254, 1295, 1392-1393, 1419-1423, 1425-1426, 1434, 1759-1766, 1891-1892, 1928-1932, 2323-2325, 4221-4222, 4262-4263)

20. Methods commercially used to facilitate removal of the peel from peaches and apricots include the application of steam, hot water, or hot lye solution. The heat used to facilitate peeling is insufficient to inactivate enzymes or to affect noticeably the flavor or texture of the fruit ingredient. When a lye solution is used it is good commercial practice, and proper preparation, then to wash the fruit with water to remove adhering lye. Some packers of frozen fruit also treat the fruit with a dilute acid solution to neutralize any residual lye. Citric acid is ordinarily used in the acid solution. At times hydrochloric acid is used instead. It is good commercial practice, and proper preparation, for the hydrochloric acid solution to contain not more than 0.2 percent by weight of the acid ingredient, and then to wash the fruit with water to remove the free hydrochloric acid. A citric acid solution containing 2.0 percent or more by weight of citric acid has, in addition to its neutralizing effect, the effect of retarding the enzymatic-oxidative reactions described in finding 21. When citric acid is used in such concentrations it is in the interest of consumers to declare it as an optional ingredient, as provided in finding 29. (R. 17-18, 39, 64, 260-261, 296, 533-534, 643, 651, 977, 1023-1024, 1054, 1099-1101, 1208-1210, 1308, 1427-1429, 1778-1785, 1894, 1970-1971, 3253-3255, 3320, 3383-3385, 4222; Ex. 43, 44)

21. Reactions involving certain enzymes and oxygen change the color, flavor, odor, and appearance of the fruit ingredient in varying degrees. These changes constitute deterioration of the fruit ingredient, render the fruit less desirable to consumers, and may progress to the point where the fruit becomes unfit for consumption. The reactions that so change the fruit ingredients are hereinafter referred to as enzymatic-oxidative reactions. The reactions occur more rapidly and to a greater extent when there has been a break in the cell walls of the fruit ingredient. The rate at which the reactions occur depends also on the temperature; it is extremely slow while the fruit undergoes freezing and while it is properly maintained in a frozen state after freezing. More rapid and pronounced changes occur during and especially after thawing of the frozen fruit. Changes in color particularly occur and are most noticeable in the three fruits mainly affected by the enzymatic-oxidative reactions—peaches, apricots, and nectarines. These light-colored fruits turn darker, or as it is usually described, "brown." Fruit being processed prior to freezing may be affected by the enzymatic-oxidative reactions, and proper preparation includes their prompt handling during that time to minimize the undesirable changes of such reactions. (R. 38-39, 97-100, 102-108, 248, 267-268, 511, 525, 537-538, 562, 600, 661, 690, 1106-1107, 1134, 1208, 1295-1300, 1313, 1602-1604, 1694, 1731-1735, 1768-1769, 1774-1778, 1785-1788, 1790-1791, 2002-2004, 3318, 3330, 3344, 3958; Ex. 38 (p. 9) 43, 44)

22. Several methods commercially used for preventing or retarding the enzymatic-oxidative reactions are: the partial or complete inactivation of enzymes in

the fruit by a heat treatment or blanching process, the addition of chemicals such as ascorbic acid and citric acid which retard the enzymatic-oxidative reactions, the use of a packing medium to protect the fruit ingredient from the air, or combinations of these methods. (R. 38-41, 72-74, 97-100, 106-108, 146-147, 151, 268, 332, 372-373, 395, 519-520, 543, 546-547, 639, 770-771, 922-924, 983-984, 988, 1100-1104, 1106-1110, 1208, 1300, 1305-1310, 1396-1402, 1694-1697, 1766-1772, 1778-1779, 1785, 1789-1790, 1858-1870, 1896; 2135, 3250, 3253-3255, 3329-3330; Ex. 43, 44)

23. The heat used to partially or completely inactivate enzymes of fruit prior to freezing is applied commercially by subjecting the fruit to steam, hot water, or hot sirup. In order to be effective, the heat applied should be sufficient to raise the temperature throughout the fruit to 160° F. In addition to its effect on the enzymes, such heat treatment causes noticeable changes in the texture and flavor of the fruit. Softening the fruit, in the case of clingstone peaches and rhubarb, is considered commercially desirable. It is reasonable and in the interest of consumers to distinguish between fruit ingredients in frozen fruit which have been heat-treated sufficiently to affect their physical characteristics and fruit ingredients not so treated. A suitably descriptive and practical name for fruit ingredients so treated is either the word "blanched" or the words "heat treated," immediately preceding or following the designation of the fruit ingredient whenever it appears in the name of the frozen fruit. (R. 40-41, 64-80, 248, 260-261, 293-294, 296-297, 302-309, 312-316, 399-400, 546-547, 922-930, 1054, 1100-1104, 1110, 1134-1136, 1203, 1207, 1268, 1305-1310, 1396-1414, 1766-1772, 1858-1870, 1918-1920, 2000-2002, 2102, 2926, 3329-3330)

24. Ascorbic acid is one of the chemical ingredients used commercially to retard the enzymatic-oxidative reactions. Ascorbic acid (vitamin C) is naturally present in varying amounts in fresh fruits. Added ascorbic acid, by being preferentially oxidized, appears to function as an interceptor of the oxygen which would react with or be activated by one or more enzymes in the fruit ingredient. With the oxidation of the ascorbic acid, its effectiveness as a temporary delaying or retarding agent ceases. Sufficient ascorbic acid need be added to perform its function while the fruit is frozen and while thawing and after the fruit is thawed preparatory to consumption. Commercial and experimental experience has indicated that ascorbic acid added in amounts ranging from about 150 to 250 mg. per pound of frozen fruit aids in retarding or delaying the enzymatic-oxidative reactions, particularly the main effect, discoloration. In such amounts, ascorbic acid does not adversely affect the taste of the frozen fruit. (R. 38-41, 146-148, 267-268, 332, 350, 372, 469, 472-473, 519-521, 542-543, 639, 697, 770-771, 1106-1110, 1296, 1310-1314, 1694, 1777-1778, 2135, 3250-3251, 3254-3255, 3750, 4225, 4301-4302, 4315, 4344-4345; Ex. 38 (p. 11) 43, 44)

25. Citric acid is another chemical ingredient used commercially to retard enzymatic-oxidative reactions. Citric

acid is a natural constituent present in varying amounts in many of the fresh fruits. Citric acid added to the fruit ingredient increases the degree of acidity and retards to some extent the enzymatic-oxidative reactions in various fruit ingredients, most noticeably the resulting discoloration. (R. 39-40, 151, 238, 268, 977, 988, 1296, 1777-1782, 1894, 3250, 3253-3255, 3279-3280, 3320, 3352-3353, 3989; Ex. 43, 44)

26. Combinations of ascorbic acid and citric acid have been used experimentally and commercially, and results have shown that the use of such combinations retards the enzymatic-oxidative reactions in various frozen fruits. (R. 40, 194, 509, 983-984, 3254-3255; Ex. 43, 44)

27. The evidence as to the use of salt to retard the enzymatic-oxidative reactions is indefinite and does not furnish sufficient basis for determining its suitability as an optional ingredient. (R. 40, 268, 322, 392-393, 4225)

28. Sulfur dioxide and certain sulfur compounds producing it are chemicals which have been used experimentally and to some extent commercially to retard the enzymatic-oxidative reactions in frozen peaches and apricots. When peaches and apricots are treated with sufficient quantities of these chemicals the enzymatic-oxidative reactions are materially retarded. Sulfur dioxide and its related compounds, however, have a number of effects that are considered undesirable. They can impart an objectionable flavor or taste to the frozen fruit; they can obliterate the visual evidence of dark spots on the fruit due to rot or decay, and can bleach the natural color of the fruit; they can destroy or impair the value of thiamine present in the fruit as well as in food products made with the frozen fruit. There is insufficient evidence to determine within what amounts it is possible to obtain any substantial advantage from the use of sulfur dioxide and related compounds in frozen peaches and apricots without at the same time obtaining any incidental objectionable effects. It is reasonable and in the interest of consumers not to provide at this time for the use of sulfur dioxide or other sulfur compounds as optional ingredients in frozen fruit. (R. 983-985, 992, 1604-1607, 1610-1624, 1633-1638, 1641-1643, 1648-1658, 1660-1662, 1694-1704, 1707-1720, 1724-1728, 1731, 1807-1817, 1906, 1909-1914, 2101-2102)

29. The use of ascorbic acid or citric acid or both of these chemical ingredients in frozen fruit has sufficient effect on the frozen fruit to make it of interest to the consumer to distinguish between frozen fruit containing these added optional ingredients and those which do not. These chemicals are added to frozen fruit for the purpose of retarding deterioration thereof. There is no common or usual label statement used commercially to reveal the presence of these substances. A reasonable and suitably descriptive label statement under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act to indicate that one or both of these optional ingredients have been used in frozen fruit, which statement will also fulfill the requirements of section 403 (k) of the act, is "----- added to



retard discoloration," the blank being filled in with the name of the ingredient or ingredients used. The names of such ingredients are, respectively, ascorbic acid, citric acid. (R. 38-40, 146-148, 151, 267-272, 317-319, 332, 352, 355-356, 364-365, 371-372, 381, 389, 391, 393-394, 409, 469, 472-473, 519-520, 543, 639, 697, 770-771, 989, 1106-1110, 1310-1314, 1699-1706, 1722-1723, 1778-1782, 2920-2921, 3253-3255, 3598, 4225, 4623-4637; Ex. 3, 13d, 17B, 18B, 21A, 43, 61)

30. The addition of varying amounts of certain pectin preparations to experimental packs of frozen sliced and whole strawberries and red sour pitted cherries having different packing media indicates that the exudation of fruit juice from the fruit ingredient is retarded in certain instances during and after thawing of the frozen fruit. The evidence also indicates that there are different grades and forms of pectin preparations which may be used, and that with such varying factors as the amount of sugars and degrees of acidity the liquid present after thawing will become more viscous and can form a gel. A more viscous liquid may give a misleading impression to the consumer of higher percentages of saccharine ingredient than are actually present. There is insufficient evidence from the admittedly inadequate experiments to determine the necessary limitations within which the different pectin preparations may be used in frozen fruit, and it is reasonable and in the interest of consumers not to provide at this time for the inclusion of pectin preparations as an optional ingredient in frozen fruit. (R. 925-986, 993-1001, 1592-1602, 1624-1633, 1658-1660, 1948, 1954, 2506, 4058-4060, 4086-4088, 4140, 4286-4295, 4348-4350, 4713-4714)

31. Sugar is the common and usual name of the refined product in crystallized form commonly obtained from sugar cane or sugar beet; it is chemically known as sucrose. Sugar has no flavor other than sweetness. (R. 9, 264, 437, 2129, 2199, 2564, 2654-2655, 2897, 2972, 3614-3615, 4638-4646; Ex. 62)

32. Invert sirup is the common and usual name for an aqueous solution of inverted or partly inverted refined or partly refined sucrose, and when used as a suitable saccharine ingredient in a liquid packing medium for frozen fruit is odorless and flavorless, except for sweetness. Its ash content is not more than 0.3 percent by weight on a dry basis. (R. 25-26, 3110-3111, 3124-3127, 3129-3131)

33. Dextrose is the common and usual name for the anhydrous or hydrated refined monosaccharide obtained from hydrolyzed starch. (R. 25, 2488, 2570, 2993)

34. Corn sirup is the common and usual name for a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and when used as a suitable saccharine ingredient in a liquid packing medium for frozen fruit it has been commercial practice, in order to have a suitable sweetness, for its solids to contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. (R. 26, 198, 1938-1939, 2607-2608)

35. Corn-sirup solids is the common and usual name of dried corn sirup as defined in finding 34. (R. 26, 196, 2607)

36. Glucose sirup is a suitable descriptive and practical name for a sirup which conforms to the definition in finding 34 of corn sirup, except that it is made from any edible starch. (R. 26-27, 159, 2607-2611, 3187-3197, 3203-3204)

37. Much of the frozen fruit sold commercially is prepared with a packing medium which is added in either a dry or liquid form. The packing medium, when dry, consists of a saccharine ingredient or ingredients, and when a liquid, of an aqueous solution containing a saccharine ingredient or ingredients. The packing media add sweetness to the fruit ingredient and when properly used aid in maintaining characteristics of the fruit ingredient in frozen fruits prior to their use by the consumer. (R. 24-25, 43, 46, 97-98, 100-101, 195, 199, 217, 395, 930-932, 935, 965-967, 1071-1073, 1117, 1210-1211, 1300, 1315-1319, 1359-1360, 1790, 1871-1874, 1876, 1880, 1896, 1920, 2567, 3329-3331, 3337-3338, 4134-4137; Ex. 43, 44)

38. From the inception of the commercial packing of frozen fruit, sugar has been the saccharine ingredient most commonly used whenever a packing medium has been added. Frozen fruit at first was packed in bulk containers for sale to industrial consumers, such as preservers and ice cream manufacturers, and when a packing medium was added it consisted of sugar. Industrial consumers generally have continued to desire sugar as the saccharine ingredient when they purchase frozen fruit containing a packing medium. When the packing of frozen fruit for household consumption later developed, the packing medium, when added, was sugar. It was found later that with some fruits a liquid packing medium was desirable for frozen fruit in household consumer sizes, and sugar has been the commonly used saccharine ingredient in the liquid medium, as it has generally continued to be in the dry packing medium. Sugar is a suitable saccharine ingredient in packing media for frozen fruit. As the common and usual saccharine ingredient in both the dry and liquid packing media, sugar sets a standard of sweetness in such media. In the liquid medium, sweetness is directly related to the density of the liquid, i. e., the percentage of sugar by weight. (R. 14-15, 24-29, 36, 167-170, 226, 263-264, 309-310, 577, 698-699, 751, 888, 910-911, 948, 1128, 1380, 1747-1749, 2071, 2122, 2167-2163, 2200-2201, 2356-2357, 2379-2381, 2394-2396, 2639-2642, 2995, 3281-3282, 3996-3997; Ex. 22, 25)

39. Invert sugar sirups have little or no perceptible difference in sweetness from liquids of the same density made from sugar. Dextrose and corn-sirup solids are considerably less sweet than sugar, and corn sirup and glucose sirup are considerably less sweet than sirups of the same density made from sugar. (R. 26-27, 32-33, 197, 2579-2580, 2607-2611, 2615-2616, 2629, 3131, 3283-3284; Ex. 45)

40. Invert sugar sirup is a suitable saccharine ingredient when used alone or together with sugar in a liquid packing

medium for frozen fruit. The characteristics of both these saccharine ingredients are such that either or both may be used with certain limited amounts of other saccharine ingredients to form suitable packing media for frozen fruit. Wherever reference is made hereinafter to the use of sugar as an optional saccharine ingredient in a liquid packing medium, it is to be understood as referring to sugar or invert sugar sirup or any mixture of both of these, unless otherwise specified. (R. 24-26, 31-33, 197, 222, 599-601, 626-634, 1331-1332, 2749-2754, 3110-3111, 3124-3134, 3140, 3807-3810, 3856-3857)

41. As indicated in finding 53, because of the varying densities of liquid packing media used in frozen fruit it is in the interest of consumers that such media be distinguished from one another. In prescribing specific ranges in density of liquid packing media, there should be an understandable correlation between sweetness and density. Since sugar is the common and usual saccharine ingredient used in liquid packing media for frozen fruit and has set thereby a standard of sweetness, it is in the interest of consumers that the sweetness of sugar be used as the basic measure of sweetness for any given density of a liquid packing medium. As the proportion of sugar in a mixture with one or more of the saccharine ingredients dextrose, corn-sirup solids, corn sirup, or glucose sirup is decreased in a liquid packing medium of a given density, the liquid becomes progressively less sweet. In the absence of a limitation on the amounts of dextrose and of the solids of corn or glucose sirup in the total saccharine solids, the density within the range specified for any given liquid packing medium would not provide a basis for identifying such packing media as to sweetness. (R. 631-634, 2043, 2046, 2048, 3585-3586, 4254-4255; findings 38, 39, 53, and citations thereunder)

42. Experimental packs of frozen fruit containing dextrose as a packing medium, either dry or in an aqueous solution, indicate that dextrose, due to a lower solubility, its lesser sweetness, and its tendency to affect the color of certain fruits, is not satisfactory as the sole saccharine ingredient of a packing medium. Experimental and commercial packs of frozen fruit indicate, however, that packages containing either dry or liquid packing media prepared with mixtures of sugar and dextrose, the solids of which contain not less than 66 2/3 percent by weight of sugar, are substantially as sweet as packages of the same composition except that the packing media are prepared with sugar alone. Within such a limitation, mixtures of sugar and dextrose constitute satisfactory combinations of saccharine ingredients for the packing media of frozen fruits. (R. 26, 31-33, 197, 199, 218-219, 222-225, 507-516, 521, 525, 599-606, 626-631, 691-694, 693, 737-743, 749-751, 883-886, 1143, 2140-2144, 2175, 3128, 3240, 3282-3283, 3283, 3792-3799, 3802, 3807-3810, 3813; Ex. 9)

43. One hundred percent corn-sirup solids is a suitable dry packing medium for frozen fruit when the frozen fruit is packed in bulk-size containers to be used in the preparation of other food products, such as preserves. Corn-sirup solids well

mixed with sugar or sugar and dextrose is a suitable saccharine ingredient in a dry packing medium for frozen fruit for general use when the mixture contains not less than 66⅔ percent by weight of sugar. (R. 24-26, 32, 197-198, 203, 631-634, 662-669, 682-686, 1059, 2129-2130; Ex. 11)

44. Experimental packs of frozen fruit prepared with 100 percent corn sirup indicate that such packing medium may be useful and satisfactory when the frozen fruit is packed in bulk containers and used in the manufacture of other food products, like preserves. Because of the perceptibly lower sweetness of a frozen fruit prepared with corn sirup compared to one packed with a sugar solution of the same density, the greater viscosity of the liquid in frozen fruit packed with corn sirup, and other differences, it is reasonable and in the interest of consumers to recognize corn sirup as a separate liquid packing medium. A suitably descriptive and practical name for such liquid packing medium in frozen fruit is "corn sirup." It has been good commercial practice, when corn sirup has been used as the sole liquid packing medium, that it contain not less than 75 percent by weight of solids. Glucose sirup possesses the same characteristics as corn sirup, and may be used in the same manner as corn sirup. A suitably descriptive and practical name for a liquid packing medium consisting of 100 percent glucose sirup is "glucose sirup." (R. 25-27, 32, 197-199, 201, 2130-2131, 2148, 2479, 2607, 3187-3197, 3247-3249, 3284-3285, 3293, 3302-3303, 3307, 3341-3344, 3361, 3582, 3595)

45. Experimental and commercial packs of frozen fruit indicate that packages containing liquid packing media prepared with sugar and corn sirup or corn-sirup solids, the solids of which contain not less than 66⅔ percent by weight of sugar, are substantially as sweet as packages of the same composition except that the liquid packing media are prepared with sugar alone. Corn sirup, corn-sirup solids, or glucose sirup, when used in such limited amount with sugar, is a satisfactory saccharine ingredient in a liquid packing medium. Corn sirup, corn-sirup solids, dextrose, or glucose sirup, or a combination of two or more of these may be used with sugar to make a liquid packing medium for frozen fruit, but it is reasonable to restrict such medium to one in which the total solids of the liquid contain not less than 66⅔ percent by weight of sugar. (R. 24-26, 31-33, 196-202, 549, 564-577, 601-606, 691-694, 698, 737-743, 1148, 3221-3239, 3283-3284, 3289-3298, 3373-3377, 3577-3581, 3739-3760, 3824-3851, 3857-3871, 3900, 3938; Ex. 9, 10, 12, 48, 52)

46. Some evidence was adduced concerning experiments in which red sour cherries were packed and frozen with a liquid packing medium of low-conversion corn sirup, the solids of which contained 24 or 25 percent by weight of reducing sugars calculated as anhydrous dextrose, and with a dry packing medium of corn-sirup solids of the same degree of conversion. The evidence at this time is insufficient to find that it would be in the

interest of consumers to allow the use of this low-conversion corn sirup or low-conversion corn-sirup solids as saccharine ingredients in packing media for frozen fruit. (R. 2608, 3397-3411, 3423-3445, 3447-3468, 3475-3479, 3483-3484, 3490-3492)

47. Frozen fruit is sold commercially to consumers in containers of various sizes. Different types of consumers generally purchase containers of the size which suits their needs. The consumer purchasing frozen fruit for household use generally purchases containers holding 10 pounds net weight or less, usually 1 pound net weight. Institutional consumers, such as hospitals and restaurants, using frozen fruit in the same manner as household consumers, may for economy purchase containers holding 10 pounds net weight or more. A third type of consumer, such as preservers, pie bakers, and ice cream and baby-food manufacturers, who use frozen fruit in the manufacture of other food products, finds it desirable to purchase frozen fruit in larger size containers holding over 10 pounds net weight. Containers holding over 10 pounds net weight of frozen fruit are generally referred to as large or bulk-size containers, while containers holding 10 pounds net weight or under are usually referred to as household-size containers. From 1945 through 1947 approximately 80 percent of the commercially sold frozen fruits under consideration were packed in containers holding over 10 pounds net weight. (R. 14-15, 167-170, 172-175, 204, 259, 263-264, 533-539, 579, 626, 673, 679, 690, 704, 939-940, 947-948, 1120-1121, 1125, 1214-1216, 1227, 1326, 1365-1368, 1371-1372, 1747-1749, 2071, 2112-2116, 2133-2134, 2183, 2277-2282, 2302, 2309, 2332, 2348, 2356-2357, 2407, 2519-2523, 2716, 3996-3997, Ex. 36)

48. The common and usual name of a frozen fruit consisting of fruit ingredient packed in a dry packing medium in bulk-size containers is the name of the fruit ingredient followed or preceded by the proportion or part by weight of fruit ingredient and the proportion or part by weight of the dry packing medium used. It has been for many years the common and usual commercial practice to place this name on the bulk container. Sugar has practically always been used as the dry packing medium. The common and usual manner of stating the name of the frozen fruit has been, e. g., "whole strawberries 4+1" or "4+1 whole strawberries," the 4 plus 1 meaning the parts by weight of fruit ingredient plus the part by weight of sugar. An accurately descriptive and practical name for a frozen fruit containing a dry packing medium of sugar in a bulk-size container is the name and proportion of the respective fruit ingredient and dry packing medium expressed in one of the following alternative forms: "whole strawberries 4 parts, sugar 1 part"; "4 parts whole strawberries, 1 part sugar"; "80 percent whole strawberries, 20 percent sugar." (R. 14-15, 25, 169-170, 262-264, 272, 317, 579-580, 607-608, 638, 671, 696-697, 889, 948-949, 987-988, 1214-1216, 2071, 2122-2123, 2138, 2159-2160, 2163-2164, 2168-2169, 2178, 2200-2201, 2205-2207, 2229, 2233, 2346-2347, 2368, 2379-2381, 2423-

2429, 2503-2505, 2581-2582, 2639-2642, 3995)

49. Specifying the proportions of the particular fruit ingredient and the dry packing medium, sugar, in the name and on the labeling of the bulk-packed frozen fruit, with the usual statement of net weight of the product, is of particular value to industrial consumers who use frozen fruits in the manufacture of other foods by formulas which require knowledge of the amount and kind of fruit and the amount and kind of saccharine ingredient to be used, and is of value to the institutional consumers who wish to choose a frozen fruit containing a particular ratio of fruit ingredient and dry packing medium. (R. 168-172, 272, 2163-2164, 2200-2201, 2229-2230, 2233, 2247-2256, 2368, 2506-2507; finding 47 and citations thereunder)

50. Corn-sirup solids alone, or dextrose or corn sirup solids or both in combination with sugar, may be used as saccharine ingredients in the dry packing media for frozen fruit in bulk-size containers. Since these two saccharine ingredients are not "sugar," if they are so used in bulk-packed frozen fruit the name and labeling of such product which has long been in use would be inadequate and misleading to bulk-pack consumers to whom the presence and amount of dextrose and corn-sirup solids are of interest. It is reasonable and in the interest of such consumers that the name of a bulk-packed frozen fruit with a dry packing medium which has a saccharine ingredient other than or in addition to sugar contain the name of each saccharine ingredient or ingredients in the descending order of predominance by weight, if any, and also include the part or percentage by weight of each saccharine ingredient, in one of the following alternative forms: "whole strawberries 4 parts, sugar ⅓ part, dextrose ⅓ part"; "4 parts whole strawberries, ⅓ part sugar, ⅓ part dextrose"; "80 percent whole strawberries, 13.3 percent sugar, 6.7 percent dextrose." (R. 172, 176-182, 184-186, 437-438, 2140-2144, 2150-2155, 2169-2172, 2174-2175, 2178-2179, 2194-2199, 2229-2233, 2236, 2275-2277, 2297, 2305-2307, 2327, 2347-2349, 2360-2363, 2382, 2654, 2662-2667, 2701, 2995-2997; findings 48, 49, and citations thereunder)

51. It has not been general commercial practice for the name of frozen fruit having a dry packing medium to include the proportion of fruit ingredient and dry packing medium when packed in containers suitable for household use. The common and usual name of such frozen fruit is the name of the fruit ingredient followed by the word "with" or "in" and the name of the dry packing medium. The usual saccharine ingredient used in the dry packing medium has been sugar. Where dextrose or corn-sirup solids or both are used in combination with sugar as the dry packing medium for frozen fruit in household consumer-size containers, an accurately descriptive and practical name for the dry packing medium is the name of each saccharine ingredient used, in descending order of the predominance by weight. The customary range of fruit ingredient and saccharine ingredient in frozen

fruit commercially marketed in household-size containers has been not more than five and not less than four parts by weight of fruit ingredient to one part by weight of the dry packing medium. A label declaration containing the above-described name of the frozen fruit will be reasonably informative to the household consumer if those customary proportions are used, without a specification of the proportion of fruit ingredient to the dry packing medium contained therein. If a frozen fruit in household-size containers has more than five parts or less than four parts by weight of fruit ingredient to one part by weight of dry packing medium, it is reasonable and in the interest of consumers to specify that the name of such frozen fruit include the proportions of fruit ingredient and dry packing medium. A suitably descriptive and practical name for such frozen fruit is the name of the fruit ingredient and the words "----- parts fruit with one part -----" the first blank being filled in with the number of parts by weight of the fruit ingredient and the second blank with the name of the dry packing medium. (R. 203, 230-231, 261-265, 272, 437-438, 1672, 2048-2050, 2654, 2678-2679, 2701, 2756, 2898, 2971-2972, 2995-2997, 3548-3549, 4226, 4365-4367, 4602-4606, 4655; Ex. 21B, 33A-33J, 34, 41B, 41D, 62; finding 38 and citations thereunder)

52. A liquid packing medium introduces added water into a container of frozen fruit. The water acts as a diluent and by weight displaces either fruit ingredient or saccharine ingredient or both, the lower the density of the packing medium or the larger the proportionate amount of the same density liquid packing medium, the more water being added. Household and institutional consumers generally desire to obtain suitable fruit ingredient with only sufficient saccharine ingredient to sweeten it to their tastes, when they purchase a frozen fruit. Industrial consumers generally desire suitable fruit ingredient, and are not so concerned about added sweetness as such, since they sweeten their products made with frozen fruit according to their specific formulas or recipes. Added water in the frozen fruit is generally an economic waste and undesirable to consumers. It will promote honesty and fair dealing in the interest of consumers to restrict the amount of added water in frozen fruit to the least amount practical. (R. 15-16, 27-31, 34, 41-43, 110-116, 188-189, 238, 241, 244-248, 258-259, 930, 2124-2127, 2131-2135, 2196-2198, 2204, 2208-2210, 2214-2215, 2220, 2256-2261, 2279-2280, 2326-2327, 2369, 2379, 2391-2392, 2403-2405, 2510-2511, 2726-2730, 2921-2925, 2938-2940, 2969, 4134-4137, 4225, 4233, 4284-4286, 4399, 4605, 4609-4610, 4652)

53. The liquid packing media used in frozen fruit sold in household consumer-size containers vary considerably in density, i. e., in the proportional amount of saccharine ingredient and water contained therein, with resulting variations in sweetness. There are no common and usual names for liquid packing media used in commercially sold frozen fruit; various names are used in label statements. "Sirup," with or without other

descriptive words, is generally a part of the name. There is also no general commercial practice of distinguishing for such consumers the variations in sweetness of the product resulting from variations in sweetness from the liquid packing media. Consumers generally expect the liquid packing media to impart some added degree of sweetness to the fruit ingredient. Consumer tastes vary as to the sweetness they desire to obtain in the same frozen fruit. The present lack of uniformity and inadequate descriptiveness of the names of liquid packing media, especially as they appear on frozen-fruit labels, make for confusion and ambiguity, and in many instances may be misleading to consumers and give them no reliable information for a choice on the basis of sweetness. A suitable and practical uniformity of nomenclature for liquid packing media that serves to distinguish variations in sweetness according to reasonable ranges of density of the put-in liquid packing media, so that the consumer of frozen fruit in household-size containers will be aided in choosing a frozen fruit with the liquid packing medium he desires, will promote honesty and fair dealing in the interest of such consumer. A reasonable minimum weight of put-in liquid packing medium for a frozen fruit is 15 percent of the combined weight of fruit ingredient and liquid packing medium. (R. 28-31, 35-36, 115-116, 188, 204-216, 258-259, 262, 265-267, 309-310, 352, 355, 389, 432, 444-445, 457, 460, 470, 932-938, 982, 1111-1112, 1117, 1355-1360, 1441-1451, 1670-1673, 1691, 1835-1836, 1904-1909, 1915-1918, 1960-1963, 1982, 2099, 2921-2925, 3271, 3528-3529, 3548-3549, 3593, 4220, 4225, 4231-4233, 4253, 4602-4607, 4609-4610, 4638-4646, 4652, 4655; Ex. 13a-13e, 17A-17E, 18A-18C, 18E, 21A, 21C, 21D, 22, 25, 34, 40A-40F, 62)

54. The wide variations in density of the liquid packing media used with the same fruit ingredient in frozen fruit and the varying ratios of put-in fruit ingredient to liquid packing medium are major factors causing differences in sweetness among such frozen fruit, if the saccharine ingredients used in the liquid packing media are of equivalent sweetness. The sweetness of the finished frozen fruit product may be affected to a lesser degree by the varying natural sweetness of the fruit ingredient. (R. 19, 41-47, 116, 401-403, 1230-1233, 1315-1319, 1363-1368, 1797-1798, 2800-2801, 3344-3345; Ex. 22, 25; finding 53 and citations thereunder)

55. It has been the common and usual commercial practice for many years, when the frozen fruits under consideration have been sold with liquid packing media in household-size containers, to put in liquids which contain not less than 40 percent saccharine solids, and generally to put in liquids having about 50 percent solids. The liquid packing media have commonly consisted of sugar and water. The consumer of frozen fruit in household-size containers has been receiving, and expects to receive, therefore, in frozen fruit having liquid packing media, a range in sweetness which a liquid prepared from sugar and water having a density of 40 percent solids or more will furnish. (R. 30, 34-35, 110-113, 215-216, 590, 689-700, 981, 1043, 1052,

1111-1112, 1254, 1354-1355, 1452-1454, 1825-1826, 3232, 3331-3334; Ex. 22, 25, 34, 35; finding 38 and citations thereunder)

56. It is reasonable and practical to distinguish variations in sweetness of optional liquid packing media for frozen fruit in household-size containers on the basis of the following put-in ranges of density: of less than 50 but not less than 40 percent solids, of less than 60 but not less than 50 percent solids, of not less than 60 percent solids and above. A suitably descriptive and practical name for each of these optional liquid packing media used in frozen fruit, which names distinguish for consumers each range in density in relation to the other, are "light sirup" for the liquid packing media having a density of less than 50 but not less than 40 percent solids, "medium sirup" for those having a density of less than 60 but not less than 50 percent solids, and "heavy sirup" for those not less than 60 percent solids. (R. 28-30, 35, 115, 188, 203-209, 262, 265-267, 351-352, 1835-1836, 1839, 1841, 3548-3549, 3596-3598, 3951-3952, 4220, 4233, 4252-4253, 4602-4606, 4609-4610, 4638-4646; Ex. 38 (p. 10) finding 55)

57. Evidence indicates that experimental packs of some fruit ingredients have been prepared with put-in liquid packing media having a density less than 40 percent solids, and that the mild sweetness of such liquid packed frozen fruit may be attractive to some consumers of household-size containers who desire even a lesser sweetness than that furnished by a light sirup of 40 percent solids. It is in the interest of consumers to minimize the amount of added water in frozen fruit to as low a percent as practicable. On the basis, however, that some consumers may desire a more slightly sweetened frozen fruit than it is regular industry practice to produce, it is in the interest of consumers of frozen fruit in household-size containers that an optional liquid packing medium having a density of less than 40 but not less than 30 percent solids, be available for use in household-size containers. A suitably descriptive and practical name for this liquid packing medium is "sweetened water." (R. 118, 251-252, 1045, 1053, 1212-1213, 1354, 1444, 1452-1453, 1797-1798, 1832-1836, 1851-1854, 1847-1848, 1969, 1936, 2041, 2073-2074, 2082-2083, 3272-3275, 3528; findings 52, 55, and citations thereunder)

58. There is no common or usual commercial practice of naming on the labeling of household-size containers of frozen fruit the saccharine ingredients used in a liquid packing medium. The more commonly used terms appearing on such frozen fruit labeling have been "sirup," "sugar sirup," or "sugar and water." There is evidence that the unqualified term "sirup" used on the labeling of frozen fruit in household-size containers is believed by many consumers to signify a solution of sugar in water. There is also evidence which tends to show that many consumers are interested in knowing the identity of the saccharine ingredients of the liquid packing media used with frozen fruits, in addition to their interest in the degree of sweetness imparted to the frozen fruit by such packing media. The evi-

dence indicates, however, that the interest of such consumers in the identity of the saccharine ingredients is apparently based on the belief that sirups containing dextrose or corn sirup are inferior in some way to those prepared with sugar. Packs of frozen fruit in household-size containers with liquid packing media, using one or more of the saccharine ingredients within the amounts found satisfactory in findings 42 and 45, possess substantially the same sweetness. The results from experimental packs indicate, furthermore, that there is very little or no perceptible difference in the flavor, texture, or color of the frozen fruit, and that the frozen fruit is equally acceptable when sugar or mixtures of sugar and the other saccharine ingredients are used within those limited amounts in liquid packing media. Under these conditions, it is not clear that it would promote honesty and fair dealing in the interest of consumers to require label statements naming the saccharine ingredients used in the liquid packing media for frozen fruits in household-size containers, in addition to the designations set forth in findings 56 and 57 indicating the densities of such packing media. The saccharine ingredients are similarly not specified in the definitions and standards of identity for canned fruits (21 CFR Part 27). A suitable and practical name for such frozen fruit, therefore, is the name of the fruit ingredient followed by the word "with" or "in," and the name of the liquid packing medium used therein, as specified in findings 56 and 57. (R. 232, 265-267, 272, 309-310, 440-442, 444-448, 745, 1524-1525, 1960, 2033, 2038-2039, 2043, 2046-2053, 2057-2060, 2063-2065, 2755-2760, 2763-2764, 2767, 2798, 2896-2901, 2963-2969, 2971-2975, 3087-3100, 3519, 3562-3563, 3566-3569, 3604-3610, 3614-3619, 3951-3956, 3963-3964, 4225-4230, 4253-4257, 4260-4261, 4268-4269, 4365-4367, 4604-4606, 4609-4610, 4638-4646, 4652-4657, 4660; Ex. 13a-13e, 17A-17E, 18A-18C, 18E, 42, 62; findings 42, 45, and citations thereunder)

59. Industrial consumers who use frozen fruits in the manufacture of other foods according to specific formulas desire and need to know the amount and identity of the fruit and saccharine ingredients which have been put into the frozen fruit. This knowledge is especially significant to manufacturers of fruit preserves, jellies, and fruit butters, since their products must conform to legal definitions and standards of identity which prescribe for those foods limits upon the quantity and identity of fruit and saccharine ingredients. Industrial consumers customarily purchase frozen fruits in bulk-size containers packed with a dry packing medium of sugar, because this better suits their needs. The common and usual name of such frozen fruit is an abbreviated form which provides a quantitative statement as to the fruit and sugar which go into the frozen fruit product, for example, "whole strawberries 4+1." This means, to persons in the trade, four parts whole strawberries to one part sugar. When a liquid packing medium is used the frozen fruit product consists of fruit, one or more saccharine ingredients, and

water. It would impose an unnecessary hardship upon industrial consumers to compel them to resort to chemical analyses to determine the relative amounts of fruits and saccharine ingredients, and the identity of such saccharine ingredients, of frozen fruit in liquid packing media. Industrial users purchase some frozen fruit with liquid packing media in bulk-size containers. There is no common and usual name for frozen fruit with liquid packing media in bulk-size containers. The name used for frozen fruit packed with sugar in bulk-size containers would be inadequate and misleading if applied to frozen fruit in bulk-size containers packed with a liquid packing medium having one or more saccharine ingredients. While such expressions as "4+1" might accurately show the ratio of fruit to sugar, it would not reveal the water added as part of the liquid packing medium and would afford no basis for calculating the actual amounts of fruit and saccharine ingredients in the bulk container. This might lead manufacturers to violate the provisions of the standards for preserves, jellies, and fruit butters. A reasonably descriptive name for liquid-packed frozen fruit in bulk-size containers which will not mislead consumers and which will promote honesty and fair dealing in the interest of industrial consumers should be equally as informative as the name for such dry-packed frozen fruit. A reasonable and practical name for frozen fruit with a liquid packing medium in bulk-size containers, adapted from the common or usual name of frozen fruits packed with sugar in bulk-size containers, will contain the name of the fruit ingredient followed by the words "in" or "with" the blanks being filled in with the name of the particular liquid packing medium used, as specified in findings 44, 56, and 57, and the name of each saccharine ingredient and the percentage by weight of the put-in fruit and the solids of the saccharine ingredients in descending order of their predominance by weight; for example, "whole strawberries in heavy sirup, 75 percent fruit, 10 percent sugar, 5 percent dextrose" or "red sour pitted cherries with corn sirup, 80 percent fruit, 16 percent corn sirup solids." Although the percentage of added water is not required to be stated in this name, the consumer of such frozen fruit can readily calculate the weight of fruit and each saccharine ingredient in the bulk container or any weighed fraction thereof. Since the name of the frozen fruit is generally either stenciled or stamped on the bulk-size container and the descriptive name is known to the frozen-fruit packer, there is no hardship for him to furnish this information to the consumers of frozen fruit in bulk-size containers. (R. 174-177, 183, 191-192, 251, 441, 540-545, 647-648, 947-948, 957-960, 968-969, 989, 1059, 1125, 1222-1224, 1227-1230, 1257, 1378, 2131-2135, 2144-2150, 2160-2164, 2176-2181, 2204, 2209-2210, 2214-2215, 2227-2236, 2259-2261, 2276-2280, 2287-2290, 2297, 2303-2307, 2310-2321, 2326-2327, 2339, 2347-2355, 2364-2369, 2371-2372, 2382-2385, 2391-2393, 2403-2405, 2409-2412, 2416-2417, 2464-2471, 2477-2478, 2510-2511, 2513-2514, 2660-2667,

2707-2709, 2726-2730; Ex. 22; findings 48, 49, 50, 52)

60. Strawberries, red sour cherries, and loganberries are very tart fruits in comparison with other fruits under consideration, and require more sweetness from a packing medium to obtain a frozen fruit product having a taste or flavor suitable for direct consumption when thawed. Strawberries and red sour cherries are naturally juicier fruits than the others, and exude their liquid more readily upon thawing, especially when strawberries are sliced and when red sour cherries are pitted. It is desirable to add as little water as possible in the form of a liquid packing medium to these two fruit ingredients and to loganberries. The general industry practice now is to use dry sugar as the packing medium for sliced strawberries and red sour pitted cherries. It is reasonable and in the interest of consumers that if a liquid packing medium is used with sliced strawberries, red sour pitted cherries, or loganberries the density of such liquid packing medium be not less than 60° Brix. (R. 31, 34, 44, 53-53A, 100-101, 138-146, 244-251, 577, 638, 679, 698-699, 909, 1126, 1139, 1142, 1199, 1233-1234, 1254, 1270, 1448-1449, 1675, 1790-1793, 1871-1875, 1877, 1921-1925, 1958, 1965-1969, 2167, 2345, 2837-2838, 2849-2857, 2867, 2927-2928; Ex. 22)

61. One method which has been used commercially to freeze fruit consists of subjecting the fruit ingredient to direct contact with a refrigerated sweetened aqueous solution of a density that may vary with the particular fruit ingredient being frozen. This method, properly employed, freezes the fruit ingredient in discrete units prior to packaging. A thin coating or film of a sweetened solution, by weight under 15 percent of the combined weights of fruit ingredient and the coating, remains on each such unit when packed. This coating, consisting of saccharine ingredient and water, is in composition essentially the same as a liquid packing medium. Additional saccharine ingredients, either in dry or liquid form, may be added on packing to fruit ingredients which contain this coating in order to give more sweetness to the finished product. It will promote honesty and fair dealing in the interest of consumers of such frozen fruit in bulk-size containers to provide that the name of such coated frozen fruit, with or without added saccharine ingredient, be the same as described in finding 59, and in the interest of consumers of such frozen fruit in household-size containers to provide that when the coating, with or without added saccharine ingredients, is by weight less than 15 percent of the weight of the frozen fruit, the name of such frozen fruit be the name of the fruit ingredient followed by the statement "coated with" the blank being filled in with the name of the applicable liquid packing medium as described in findings 56 and 57, and when such coating by weight is 15 percent or more, the name is the applicable name specified in finding 58. (R. 1144, 2444, 4396-4416, 4420-4436, 4438-4441, Ex. 54, 55)

62. It was proposed that a definition and standard of identity be established



for frozen fruit in which the nonnutritive chemical substance, saccharin, would be the sweetening ingredient. Evidence was introduced to show that experimental packs of frozen fruit containing fruit ingredient, water, pectin, and the nonfood substance saccharin produced a satisfactory product, and that such product, if marketed, would serve the purpose of adding variety to the special diets of diabetic and obese persons. It was evident that such saccharin-sweetened frozen fruit would be sold to consumers in the same channels of distribution as regular commercial frozen fruits. The proponents expressed their willingness to adopt any descriptive labeling requirements acceptable to the Administrator, if a definition and standard of identity were established for frozen fruit sweetened with saccharin. (R. 4006-4007, 4010-4013, 4016-4020, 4026-4029, 4045-4051, 4054-4055, 4058-4062, 4086, 4094, 4107, 4113-4130, 4134-4144, 4153-4155, 4157-4161, 4178-4180, 4203-4208, 4274-4275, 4281-4283, 4294-4301, 4305-4330, 4332-4337, 4352-4355, 4692-4694, 4707, 4717-4718, 4761)

63. There is evidence that many State and Federal officials charged with enforcing food regulatory statutes are generally opposed to establishing a definition and standard of identity for saccharin-sweetened frozen fruits. In many of those jurisdictions the use or sale of saccharin in foods is either prohibited or restricted in various respects. It is the general belief of such officials that establishing a definition and standard of identity for saccharin-sweetened frozen fruit would tend to break down the controls over saccharin in foods now existing under State and Federal laws. A principal danger of abuse in the substitution of saccharin for sugars in foods purchased by consumers exists in the fact that saccharin gives the impression of sweetness, which is an impression of food value to the ordinary person, and saccharin does not possess any food value. While a factory-prepared frozen fruit product in a liquid packing medium of water, pectin, and saccharin may be more attractive than frozen fruit without packing medium, which is sweetened with saccharin in the home, and may somewhat enlarge the choice of food of diabetic and obese persons, a standard of identity could not establish safeguards that would restrict the indiscriminate sale of such a product to or its use by, the general public. (R. 4050-4055, 4058, 4067-4074, 4079-4086, 4088-4096, 4104, 4154-4157, 4162-4170, 4172-4189, 4198-4201, 4274-4275, 4291-4297, 4330, 4679-4700, 4707, 4718-4723, 4738-4740, 4744-4767, 4799-4800, 4807. Ex. 63-68)

64. There is evidence that the use of saccharin does not appear to produce injury to persons suffering from diabetes, in the amounts ordinarily consumed by them. There is evidence also that saccharin has an effect in the human and animal body other than mere action on the taste buds, and that sufficient long-time experiments to determine whether those effects are unfavorable have not yet been made. It would not promote honesty and fair dealing in the interest of consumers to establish at this time a definition and standard of identity for

frozen fruit in which saccharin is used as the sweetening agent. (R. 4055-4056, 4075, 4158, 4166, 4275-4277, 4390-4697, 4761-4767, 4774-4776, 4785-4796, 4807, 4812-4816; Ex. 64, 64A, 66, 68)

#### STANDARDS OF FILL OF CONTAINER

*Findings of fact.*<sup>1</sup> 1. Liquid packing media are used in frozen fruit in an effort to obtain uniform distribution of the added saccharine ingredient in the frozen fruit, as one means of attempting to retard the undesirable changes in the fruit ingredient from the enzymatic reactions with oxygen in the air and as a carrier for a uniform distribution in the container of the so-called anti-browning agents. (R. 15, 27, 43, 46, 97-100, 147-148, 395, 931, 1300, 1315-1317, 1785, 1790, 1896-1897, 1959-1960, 3329-3331, 4134-4137; finding 22 (identity standards))

2. The use of a liquid packing medium to retard the enzymatic reactions with oxygen in the air is primarily of value after the thawing of the frozen fruit in its container. After packaging, prior to, during and after the thawing of frozen fruit, liquid exudes from the fruit ingredient, which results in more liquid being present in the container when thawed than when packed. This occurs when no packing medium or a dry or liquid packing medium is used. (R. 99-101, 123-124, 245-251, 525, 710, 931, 985-986, 1109, 1117-1118, 1139, 1216, 1296, 1299, 1373, 1593-1595, 1598-1600, 1732-1735, 1738-1739, 1791-1793, 1797, 1901-1902, 2529, 4290)

3. Consumers desire as little liquid as is practical in frozen fruit. It is general good commercial practice to limit the weight of the liquid packing media used in many frozen fruits to not more than 25 percent of the combined weight of fruit ingredient and packing medium, and in the case of certain fruit ingredients which are relatively large in size or irregular in shape, and which have a slightly larger volume of free space or interstices present, slightly larger percentages of liquid packing media have been used, especially if the fruit ingredient is more readily susceptible to the enzymatic-oxidative reactions. These larger maximum percentages vary with the particular fruit ingredient, and may be 30 percent, 31 percent, 35 percent, or 37 percent of the combined weight of the fruit ingredient and packing medium. By varying the amounts of saccharine ingredients in the liquid packing media it is easily possible to obtain the sweetness that is desired in the frozen fruit when those amounts of liquid packing media are used. (R. 41-47, 133-134, 204, 705, 1117-1118, 1216-1217, 1230-1233, 1363-1368, 1971-1980, 2073-2074, 3321-3322, 4120-4121, 4142-4145; Ex. 22, 25, 34; findings 52, 54 (identity standards), and citations thereunder)

4. The use of more of a liquid packing medium than necessary is contrary to the interest of consumers. It is reasonable and will promote honesty and fair dealing in the interest of consumers to limit the amount of liquid packing medium to the least amount which, to-

gether with liquid in the container naturally exuding from the fruit ingredient prior to, during, and after thawing, will aid in protecting the fruit ingredient in its container, after thawing from the enzymatic reactions with oxygen in the air. Within the maximum percentages of liquid packing medium for each fruit ingredient specified in finding 5, sufficient liquid will be afforded to reasonably perform the function of protecting the respective fruit ingredients in their containers after thawing. It is good commercial practice not to put in more than the maximum percentages of liquid packing medium for each fruit ingredient specified in finding 5. There is no evidence at this time on which to form a basis for specifying the extent to which the container should be filled with frozen fruit. The evidence does not set forth a proposal for a standard of fill of container which is as reasonable and as much in the interest of consumers as a standard based on put-in maximum percentages by weight of the liquid packing medium in the combined weight of fruit ingredient and liquid packing medium. (R. 19, 1373-1377, 1494-1499, 1502-1508, 1557-1579, 1673, 1793-1797, 2440-2441; Ex. 29; finding 52 (identity standards) findings 2, 3 (fill of container) and citations thereunder)

5. It is reasonable and will promote honesty and fair dealing in the interest of consumers to establish the following maximum percentages by weight of liquid packing medium for each of the respective fruit ingredients and packing medium, on a put-in basis:

| Maximum percent<br>by weight of<br>liquid packing<br>medium |    |
|---|----|
| Fruit ingredient  |    |
| Apricots, peeled diced                                      | 25 |
| Apricots, unpeeled diced                                    | 25 |
| Apricots, peeled sliced                                     | 37 |
| Apricots, unpeeled sliced                                   | 20 |
| Apricots, peeled quartered                                  | 35 |
| Apricots, unpeeled quartered                                | 35 |
| Apricots, peeled halved                                     | 35 |
| Apricots, unpeeled halved                                   | 35 |
| Apricots, peeled whole                                      | 37 |
| Apricots, unpeeled whole                                    | 37 |
| Apricots, peeled pitted                                     | 37 |
| Apricots, unpeeled pitted                                   | 37 |
| Apricots, peeled pieces of irregular<br>sizes and shapes    | 30 |
| Apricots, unpeeled pieces of irregular<br>sizes and shapes  | 20 |
| Blackberries  | 25 |
| Blueberries   | 25 |
| Boyenberries  | 25 |
| Cherries, pitted dark sweet                                 | 25 |
| Cherries, partially pitted dark sweet                       | 25 |
| Cherries, unpitted dark sweet                               | 25 |
| Cherries, pitted light sweet                                | 25 |
| Cherries, partially pitted light sweet                      | 25 |
| Cherries, unpitted light sweet                              | 25 |
| Cherries, pitted red sour                                   | 25 |
| Cherries, partially pitted red sour                         | 25 |
| Cherries, unpitted red sour                                 | 25 |
| Currents, stemmed   | 25 |
| Gooseberries  | 25 |
| Grapes, stemmed   | 25 |
| Huckleberries   | 25 |
| Kyanberries   | 25 |
| Nectarines, diced   | 25 |
| Nectarines, sliced  | 30 |
| Nectarines, quartered                                       | 25 |
| Nectarines, halved  | 35 |
| Nectarines, whole   | 37 |
| Nectarines, pitted  | 35 |
| Nectarines, pieces of irregular sizes<br>and shapes         | 30 |
| Freestone peaches, diced                                    | 25 |

<sup>1</sup> The citations following each finding of fact refer to the pages of the transcript of the testimony and to the exhibits received in evidence at the hearing.

| <i>Fruit ingredient</i>   | <i>Maximum percent<br/>by weight of<br/>liquid packing<br/>medium</i> |
|---|---|
| Freestone peaches, sliced.....                                  | 31  |
| Freestone peaches, quartered.....                               | 35  |
| Freestone peaches, halved.....                                  | 35  |
| Freestone peaches, whole.....                                   | 37  |
| Freestone peaches, pitted.....                                  | 35  |
| Freestone peaches, pieces of irregular<br>sizes and shapes..... | 80  |
| Cling peaches, diced.....                                       | 25  |
| Cling peaches, sliced.....                                      | 31  |
| Cling peaches, quartered.....                                   | 35  |
| Cling peaches, halved.....                                      | 35  |
| Cling peaches, whole.....                                       | 37  |
| Cling peaches, pitted.....                                      | 35  |
| Cling peaches, pieces of irregular sizes<br>and shapes.....     | 30  |
| Plums, sliced.....  | 30  |
| Plums, halved.....  | 30  |
| Plums, pitted.....  | 30  |
| Plums, unpitted.....  | 35  |
| Raspberries, red.....   | 30  |
| Raspberries, black.....   | 25  |
| Rhubarb.....  | 30  |
| Strawberries, sliced.....                                       | 25  |
| Strawberries, whole.....  | 30  |
| Youngberries.....   | 25  |
| Mixed fruit.....  | 30  |

(See finding 3 (fill of container), and citations thereunder.)

6. If a frozen fruit contains more put-in liquid packing medium than the applicable percentage set forth in finding 5 and so falls below the applicable standard of fill of container, it will promote honesty and fair dealing in the interest of consumers that the label bear the general statement of substandard fill, in the manner and form specified in 21 CFR 10.2 (b) with the additional statement "Contains excess water" as a record line in the rectangle. (R. 271-272)

**Conclusion.** Upon consideration of the whole record and the foregoing findings of fact, it is concluded that the adoption of the following definitions and standards of identity and standards of fill of container for frozen fruits will promote honesty and fair dealing in the interest of consumers:

§ 32.1 *Frozen fruits in containers the quantity of the contents of which is 11 pounds or more; identity; label statement of optional ingredients.* (a) (1) The frozen fruits for which definitions and standards of identity are prescribed by this section include the frozen foods each of which consists of a properly prepared fruit ingredient specified in paragraph (b) of this section, with or without a dry or liquid packing medium specified in paragraph (c) (1) (2) and (3) of this section, but do not include frozen pureed fruit or products made by refreezing the residue from thawed, drained frozen fruit. The fruit ingredient may be blanched. The frozen fruit may contain one or both of the optional ingredients named in paragraph (d) of this section.

(2) The fruit used as the fruit ingredient referred to in subparagraph (1) of this paragraph is fresh or previously frozen fresh fruit. Its proper preparation includes, among other things:

(i) Removal of fruit which is not suitably mature for consumption as fresh fruit;

(ii) Cleaning, and when washed or otherwise brought in contact with water, draining;

(iii) Prompt handling until frozen;

(iv) Employment of all practical means to avoid loss of juice from the fruit during preparation;

(v) Stemming of currants and grapes with which a packing medium is used.

(3) Peeling of apricots and peaches may be facilitated by the application of steam, hot water, or lye solution. When lye solution is used, it is followed by a water wash. Such fruit may then be subjected to a solution of not more than 0.2 percent by weight of hydrochloric acid, followed by another water wash, or may be subjected to a solution of citric acid, but if such solution contains 2.0 percent or more by weight of citric acid the labeling requirements of paragraph (f) (1) of this section apply.

(b) The fruit ingredient referred to in paragraph (a) (1) of this section is one or more of the forms of the same kind of fruit as specified in subparagraph (1) of this paragraph or a mixture of fruits as specified in subparagraph (2) of this paragraph.

(1) The forms of a fruit, and their respective names, are:

Diced peeled apricots.  
Diced unpeeled apricots.  
Sliced peeled apricots.  
Sliced unpeeled apricots.  
Quartered peeled apricots.  
Quartered unpeeled apricots.  
Halved peeled apricots.  
Halved unpeeled apricots.  
Whole peeled apricots.  
Whole unpeeled apricots.  
Pitted peeled apricots.  
Pitted unpeeled apricots.  
Apricots, peeled pieces of irregular sizes and shapes.  
Apricots, unpeeled pieces of irregular sizes and shapes.  
Blackberries.  
Blueberries.  
Boysenberries.  
Dark sweet pitted cherries.  
Dark sweet partially pitted cherries.  
Dark sweet unpitted cherries.  
Light sweet pitted cherries.  
Light sweet partially pitted cherries.  
Light sweet unpitted cherries.  
Red sour (or red tart) pitted cherries.  
Red sour (or red tart) partially pitted cherries.  
Red sour (or red tart) unpitted cherries.  
Stemmed currants.  
Unstemmed currants.  
Gooseberries.  
Stemmed grapes.  
Unstemmed grapes.  
Huckleberries.  
Loganberries.  
Diced nectarines.  
Sliced nectarines.  
Quartered nectarines.  
Halved nectarines.  
Whole nectarines.  
Pitted nectarines.  
Nectarines, pieces of irregular sizes and shapes.  
Diced freestone peaches.  
Sliced freestone peaches.  
Quartered freestone peaches.  
Halved freestone peaches.  
Whole freestone peaches.  
Pitted freestone peaches.  
Freestone peaches, pieces of irregular sizes and shapes.  
Diced cling (or clingstone) peaches.  
Sliced cling (or clingstone) peaches.  
Quartered cling (or clingstone) peaches.  
Halved cling (or clingstone) peaches.  
Whole cling (or clingstone) peaches.  
Pitted cling (or clingstone) peaches.

Cling (or clingstone) peaches, pieces of irregular sizes and shapes.

Sliced plums.  
Halved plums.  
Pitted plums.  
Unpitted plums.  
Red raspberries.  
Black raspberries.  
Rhubarb.  
Sliced strawberries.  
Whole strawberries.  
Youngberries.

(2) A mixture of fruit is prepared from the forms of fruit specified in subparagraph (1) of this paragraph, when two or more of the kinds of fruit therein specified are used; or is prepared from one or more of the forms of fruit specified in subparagraph (1) of this paragraph and other fruit or fruits not specified in subparagraph (1) of this paragraph. The mixture may contain cherries which are artificially colored or artificially flavored or both. In a mixture, the percent of put-in weight of each kind of fruit, computed on the basis of total put-in weight of the fruits used, is as follows:

| <i>Number of<br/>fruits in<br/>mixture:</i> | <i>Minimum and maximum<br/>proportions by weight<br/>of each fruit</i>  |
|---|---|
| 2.....                                      | Neither less than 25 percent.   |
| 3.....                                      | None less than 10 percent,<br>none more than 70 percent.  |
| 4.....                                      | One not less than 5 percent,<br>each of the others not less<br>than 10 percent, none more<br>than 65 percent.           |
| 5.....                                      | Each of two not less than 5<br>percent, each of the others<br>not less than 10 percent,<br>none more than 60 percent.   |
| 6 or more..                                 | Each of three not less than 5<br>percent, each of the others<br>not less than 10 percent,<br>none more than 55 percent. |

(3) With reference to the name of the fruit ingredient specified in this paragraph:

(i) When a fruit or form of fruit used in a fruit ingredient has been subjected to a heat treatment whereby the temperature throughout such fruit reaches 180° F or more, its name shall include the word "blanched" or the words "heat treated."

(ii) The words in the name may be arranged in a different order, and may include the specific varietal name of the fruit.

(iii) The words "whole" and "unpitted" may be used interchangeably.

(iv) The words "slices," "quarters," and "halves" may be used alternatively for "sliced," "quartered," and "halved," respectively.

(v) The name of dark-red or purplish raspberries is "red raspberries."

(vi) The name of dark-red sour cherries, such as Morello cherries, is "red sour (or red tart) cherries."

(vii) "Nectarines" means nectarines which are unpeeled. The word "unpeeled" may be used in the name.

(viii) The word "unpeeled" is part of the name when peaches are unpeeled, the word "peeled" may be used in the name of peaches which are peeled.

(ix) The word "prunes" may be used instead of "plums" when fresh prunes are used.

(x) Where a kind of fruit other than one contained in subparagraph (1) of this paragraph is used in a mixture of



fruit described in subparagraph (2) of this paragraph, its name is the common name of such fruit and the form used.

(4) Pitted cherries are cherries containing not more than one pit in each 20 ounces of the frozen fruit. Partially pitted cherries are incompletely pitted cherries containing more than one pit in each 20 ounces of frozen fruit. The number of pits is determined as follows: Collect at random a sample of not less than 24 pounds. Weigh, and count the pits and pieces of pit shell in the weighed sample. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the weight of sample, calculate the number of pits present in each 20 ounces of frozen fruit.

(c) (1) The dry packing medium referred to in paragraph (a) (1) of this section is:

- (i) Sugar;
- (ii) Corn sirup solids;
- (iii) Any mixture of sugar with dextrose or corn sirup solids or both containing not less than 66 $\frac{2}{3}$  percent by weight of sugar. The name of each mixture is the name of the ingredients contained therein, in descending order of predominance by weight.

(2) The liquid packing medium referred to in paragraph (a) (1) of this section is:

- (i) Corn sirup (containing not less than 75 percent solids)
- (ii) Glucose sirup (containing not less than 75 percent solids)
- (iii) An aqueous solution or mixture the solids of which consist of sugar or the solids of invert sugar sirup or both, or sugar or the solids of invert sugar sirup or both in an amount not less than 66 $\frac{2}{3}$  percent by weight with dextrose or the solids of corn sirup or of glucose sirup or any two or all of these. The weight of the solids is not less than 30 percent of the weight of the liquid packing medium. The name of such a liquid packing medium is designated according to the percent of solids it contains, as follows:

| Name:            | Range of solids                                    |
|------------------|--|
| Heavy sirup...   | Not less than 60 percent.                          |
| Medium sirup...  | Less than 60 percent but not less than 50 percent. |
| Light sirup...   | Less than 50 percent but not less than 40 percent. |
| Sweetened water. | Less than 40 percent but not less than 30 percent. |

(3) The weight of the solids in any liquid packing medium used with sliced strawberries, red sour pitted cherries, red sour partially pitted cherries, or loganberries is not less than 60 percent of the weight of the liquid packing medium.

(4) For the purposes of this section:

- (i) The term "sugar" means refined sucrose.
- (ii) The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted refined or partly refined

sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is odorless and flavorless except for sweetness.

(iii) The term "dextrose" means the hydrated or anhydrous refined monosaccharide obtained from hydrolyzed starch.

(iv) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(v) The term "corn sirup solids" means dried corn sirup.

(vi) The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(d) The optional ingredients referred to in paragraph (a) (1) of this section are:

- (1) Ascorbic acid.
- (2) Citric acid.

(e) The names of the frozen fruits for which definitions and standards of identity are prescribed by this section are:

(1) If the frozen fruit consists of a fruit ingredient without any packing medium, and:

- (i) The fruit ingredient consists of one or more forms of the same kind of fruit as specified in paragraph (b) (1) of this section, the name of the frozen fruit is the name of each form of fruit, as specified in paragraph (b) (1) and (3) of this section.

(ii) The fruit ingredient consists of a mixture of fruits, as specified in paragraph (b) (2) of this section, the name of the frozen fruit is a list of the names of each form of fruit contained therein, as specified in paragraph (b) (1) and (3) of this section, arranged in the descending order of predominance by weight, if any, or such list preceded or followed by the words "Mixed fruit."

(2) If the frozen fruit consists of a fruit ingredient and a dry packing medium specified in paragraph (c) (1) of this section, the name of the frozen fruit is the applicable name of the fruit ingredient contained therein, as specified in subparagraph (1) of this paragraph, and the name of each ingredient in the dry packing medium, and their respective parts or percentages by put-in weight, stated in one of the following forms, e. g., "Whole strawberries 4 parts, sugar 1 part" "4 parts whole strawberries,  $\frac{2}{3}$  part sugar,  $\frac{1}{3}$  part dextrose", "80% whole strawberries, 13.3% sugar, 6.7% dextrose" or "75% red sour pitted cherries, 25% corn sirup solids."

(3) If the frozen fruit consists of a fruit ingredient and a liquid packing medium specified in paragraph (c) (2) of this section, the name of the frozen fruit is the applicable name of the fruit ingredient contained therein as specified in subparagraph (1) of this paragraph, followed by the statement "In \_\_\_\_\_" or "With \_\_\_\_\_," the blank in either case being filled with the applicable name of the liquid packing medium used, as designated in paragraph (c) (2) of this section, followed by the percent by put-in weight of the fruit ingredient and the name and percent by put-in weight

of each ingredient except water in the liquid packing medium, in descending order of their predominance by weight, stated as, e. g., "Whole strawberries with heavy sirup, 75% fruit, 10% sugar, 5% dextrose" or "Red sour pitted cherries in corn sirup, 80% fruit, 16% corn sirup solids."

(f) (1) When one or both of the optional ingredients specified in paragraph (d) of this section are used in the frozen fruit, the label shall bear the statement, "\_\_\_\_\_ added to retard discoloration," the blank being filled with the name or names of the optional ingredients used.

(2) When a mixture of fruit contains cherries which are artificially colored or artificially flavored or both, the name of such ingredient is "Artificially colored cherries," "Artificially flavored cherries," or "Artificially colored and artificially flavored cherries," as the case may be.

(g) Wherever the name of the frozen fruit appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the fruit may so intervene.

§ 32.2 *Frozen fruits in containers the quantity of the contents of which is less than 11 pounds; identity; label statement of optional ingredients.* (a) (1) The frozen fruits for which definitions and standards of identity are prescribed by this section include the frozen foods each of which consists of a properly prepared fruit ingredient specified in paragraph (b) of this section, with or without a dry or liquid packing medium specified in paragraph (c) (1), (2), (3) and (4) of this section, but do not include frozen pureed fruit or products made by refreezing the residue from thawed, drained frozen fruit. The fruit ingredient may be blanched. The frozen fruit may contain one or both of the optional ingredients named in paragraph (d) of this section.

(2) The fruit used as the fruit ingredient referred to in subparagraph (1) of this paragraph is fresh or previously frozen fresh fruit. Its proper preparation includes, among other things:

(i) Removal of fruit which is not suitably mature for consumption as fresh fruit;

(ii) Cleaning, and when washed or otherwise brought in contact with water, draining;

(iii) Prompt handling until frozen;

(iv) Employment of all practical means to avoid loss of juice from the fruit during preparation;

(v) Stemming of currants and grapes with which a packing medium is used.

(3) Peeling of apricots and peaches may be facilitated by the application of steam, hot water, or lye solution. When lye solution is used, it is followed by a water wash. Such fruit may then be subjected to a solution of not more than 0.2 percent by weight of hydrochloric acid, followed by another water wash, or may be subjected to a solution of citric acid, but if such solution contains 2.0 percent or more by weight of citric acid

the labeling requirements of paragraph (f) (1) of this section apply.

(b) The fruit ingredient referred to in paragraph (a) (1) of this section is one or more of the forms of the same kind of fruit as specified in subparagraph (1) of this paragraph or a mixture of fruits as specified in subparagraph (2) of this paragraph.

(1) The forms of a fruit, and their respective names, are:

Diced peeled apricots.  
Diced unpeeled apricots.  
Sliced peeled apricots.  
Sliced unpeeled apricots.  
Quartered peeled apricots.  
Quartered unpeeled apricots.  
Halved peeled apricots.  
Halved unpeeled apricots.  
Whole peeled apricots.  
Whole unpeeled apricots.  
Pitted peeled apricots.  
Pitted unpeeled apricots.  
Apricots, peeled pieces of irregular sizes and shapes.  
Apricots, unpeeled pieces of irregular sizes and shapes.  
Blackberries.  
Blueberries.  
Boyseberries.  
Dark sweet pitted cherries.  
Dark sweet partially pitted cherries.  
Dark sweet unpitted cherries.  
Light sweet pitted cherries.  
Light sweet partially pitted cherries.  
Light sweet unpitted cherries.  
Red sour (or red tart) pitted cherries.  
Red sour (or red tart) partially pitted cherries.  
Red sour (or red tart) unpitted cherries.  
Stemmed currants.  
Unstemmed currants.  
Gooseberries.  
Stemmed grapes.  
Unstemmed grapes.  
Huckleberries.  
Loganberries.  
Diced nectarines.  
Sliced nectarines.  
Quartered nectarines.  
Halved nectarines.  
Whole nectarines.  
Pitted nectarines.  
Nectarines, pieces of irregular sizes and shapes.  
Diced freestone peaches.  
Sliced freestone peaches.  
Quartered freestone peaches.  
Halved freestone peaches.  
Whole freestone peaches.  
Pitted freestone peaches.  
Freestone peaches, pieces of irregular sizes and shapes.  
Diced cling (or clingstone) peaches.  
Sliced cling (or clingstone) peaches.  
Quartered cling (or clingstone) peaches.  
Halved cling (or clingstone) peaches.  
Whole cling (or clingstone) peaches.  
Pitted cling (or clingstone) peaches.  
Cling (or clingstone) peaches, pieces of irregular sizes and shapes.  
Sliced plums.  
Halved plums.  
Pitted plums.  
Unpitted plums.  
Red raspberries.  
Black raspberries.  
Rhubarb.  
Sliced strawberries.  
Whole strawberries.  
Youngberries.

(2) A mixture of fruit is prepared from the forms of fruit specified in subparagraph (1) of this paragraph, when two or more of the kinds of fruit therein contained are used; or is prepared from one or more of the forms of fruit specified in subparagraph (1) of this para-

graph and other fruit or fruits not contained in subparagraph (1) of this paragraph. The mixture may contain cherries which are artificially colored or artificially flavored or both. In a mixture, the percent of put-in weight of each kind of fruit, computed on the basis of total put-in weight of the fruits used, is as follows:

| Number of fruits in mixture: | Minimum and maximum proportions by weight of each fruit  |
|------------------------------|--|
| 2-----                       | Neither less than 25 percent.  |
| 3-----                       | None less than 10 percent, none more than 70 percent.  |
| 4-----                       | One not less than 5 percent, each of the others not less than 10 percent, none more than 65 percent.           |
| 5-----                       | Each of two not less than 5 percent, each of the others not less than 10 percent, none more than 60 percent.   |
| 6 or more.                   | Each of three not less than 5 percent, each of the others not less than 10 percent, none more than 55 percent. |

(3) With reference to the name of the fruit ingredient specified in this paragraph:

(i) When a fruit or form of fruit used in a fruit ingredient has been subjected to a heat treatment whereby the temperature throughout such fruit reaches 180° F or more, its name shall include the word "blanched" or the words "heat treated."

(ii) The words in the name may be arranged in a different order, and may include the specific varietal name of the fruit.

(iii) The words "whole" and "unpitted" may be used interchangeably.

(iv) The words "slices," "quarters," and "halves" may be used alternatively for "sliced," "quartered," and "halved," respectively.

(v) The name of dark-red or purplish raspberries is "red raspberries."

(vi) The name of dark-red sour cherries, such as Morello cherries, is "red sour (or red tart) cherries."

(vii) "Nectarines" means nectarines which are unpeeled. The word "unpeeled" may be used in the name.

(viii) The word "unpeeled" is part of the name when peaches are unpeeled. The word "peeled" may be used in the name of peaches which are peeled.

(ix) The word "prunes" may be used instead of "plums" when fresh prunes are used.

(x) Where a kind of fruit other than one contained in subparagraph (1) of this paragraph is used in a mixture of fruit described in subparagraph (2) of this paragraph, its name is the common name of such fruit and the form used.

(4) Pitted cherries are cherries containing not more than one pit in each 20 ounces of the frozen fruit. Partially pitted cherries are incompletely pitted cherries containing more than one pit in each 20 ounces of frozen fruit. The number of pits is determined as follows: Collect at random a sample of not less than 24 pounds. Weigh, and count the pits and pieces of pit shell in the weighed sample. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell

are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the weight of sample, calculate the number of pits present in each 20 ounces of frozen fruit.

(c) (1) The dry packing medium referred to in paragraph (a) (1) of this section is:

(i) Sugar;

(ii) Any mixture of sugar with dextrose or corn sirup solids or both containing not less than 66⅔ percent by weight of sugar. The name of each mixture is the name of each of the ingredients contained therein in descending order of predominance by weight.

(2) The liquid packing medium referred to in paragraph (a) (1) of this section is an aqueous solution or mixture the solids of which consist of sugar or the solids of invert sugar sirup or both, or sugar or the solids of invert sugar sirup or both in an amount not less than 66⅔ percent by weight with dextrose or the solids of corn sirup or glucose sirup or any two or all of these. The weight of the solids is not less than 30 percent of the weight of the liquid packing medium. The name of such a liquid packing medium is designated according to the percent of solids it contains, as follows:

| Name:             | Range of solids                                    |
|-------------------|--|
| Heavy sirup-----  | Not less than 60 percent.                          |
| Medium sirup----- | Less than 60 percent but not less than 50 percent. |
| Light sirup-----  | Less than 50 percent but not less than 40 percent. |
| Sweetened water.  | Less than 40 percent but not less than 30 percent. |

(3) The weight of a liquid packing medium is not less than 15 percent of the weight of the frozen fruit except that lesser quantities by weight may be used in such manner that the individual units of the form or forms of fruit used in the fruit ingredient are coated with a thin film of frozen liquid packing medium.

(4) The weight of the solids in any liquid packing medium used with sliced strawberries, red sour pitted cherries, red sour partially pitted cherries, or loganberries is not less than 60 percent of the weight of the liquid packing medium.

(5) For the purposes of this section:

(i) The term "sugar" means refined sucrose.

(ii) The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is odorless and flavorless except for sweetness.

(iii) The term "dextrose" means the hydrated or anhydrous refined monosaccharide obtained from hydrolyzed starch.

(iv) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(v) The term "corn sirup solids" means dried corn sirup.

(vi) The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(d) The optional ingredients referred to in paragraph (a) (1) of this section are:

(1) Ascorbic acid.

(2) Citric acid.

(e) The names of the frozen fruits for which definitions and standards of identity are prescribed by this section are:

(1) If the frozen fruit consists of a fruit ingredient without any packing medium or coating, and:

(i) The fruit ingredient consists of one or more forms of the same kind of fruit as specified in paragraph (b) (1) of this section, the name of the frozen fruit is the name of each form of fruit, as specified in paragraph (b) (1) and (3) of this section.

(ii) The fruit ingredient consists of a mixture of fruits, as specified in paragraph (b) (2) of this section, the name of the frozen fruit is a list of the names of each form of fruit contained therein, as specified in paragraph (b) (1) and (3) of this section, arranged in the descending order of predominance by weight, if any, or such list preceded or followed by the words "Mixed fruit."

(2) If the frozen fruit consists of a fruit ingredient and a packing medium described in paragraph (c) (1) of this section, and the weight of the fruit ingredient is not more than five and not less than four times the weight of the dry packing medium, the name of the frozen fruit is the applicable name of the fruit ingredient contained therein as specified in subparagraph (1) of this paragraph, followed by the statement "With \_\_\_\_\_" or "In \_\_\_\_\_," the blank in either case being filled with the name of the applicable dry packing medium as specified in paragraph (c) (1) of this section. If the weight of the fruit ingredient is more than five or less than four times the weight of the dry packing medium, the name of the frozen fruit is the applicable name of the fruit ingredient contained therein as specified in subparagraph (1) of this paragraph, followed by the statement "\_\_\_\_\_ parts fruit with one part \_\_\_\_\_," the first blank containing the number of parts by weight of fruit ingredient and the second blank the name of the applicable dry packing medium.

(3) (i) If the frozen fruit consists of a fruit ingredient coated, as provided in paragraph (c) (3) of this section, with one of the liquid packing media specified in paragraph (c) (2) of this section, the name of the frozen fruit is the name of the applicable fruit ingredient contained therein as specified in subparagraph (1) of this paragraph, followed by the statement "Coated with \_\_\_\_\_," the blank being filled with the applicable name of the liquid packing medium used as it is designated in the table in paragraph (c) (2) of this section.

(ii) If the frozen fruit consists of a fruit ingredient and a liquid packing medium specified in paragraph (c) (2) of this section, the weight of which liquid packing medium is not less than 15 percent of the weight of the frozen fruit, the name of the frozen fruit is the applicable name of the fruit ingredient contained therein as specified in subparagraph (1) of this paragraph, followed by the statement "With \_\_\_\_\_" or "In \_\_\_\_\_," the blank in either case being filled with the applicable name of the liquid packing medium used as it is designated in the table in paragraph (c) (2) of this section.

(f) (1) When one or both of the optional ingredients specified in paragraph (d) of this section are used in the frozen fruit, the label shall bear the statement "\_\_\_\_\_ added to retard discoloration," the blank being filled with the name or names of the optional ingredients used.

(2) When a mixture of fruit contains cherries which are artificially colored or artificially flavored or both, the name of such ingredient is "Artificially colored cherries," "Artificially flavored cherries," or "Artificially colored and artificially flavored cherries," as the case may be.

(g) Wherever the name of the frozen fruit appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the fruit may so intervene.

§ 32.3 *Frozen fruits in containers the quantity of the contents of which is 11 pounds or more, frozen fruits in containers the quantity of contents of which is less than 11 pounds; fill of container; label statement of substandard fill.* (a) The standards of fill of container for frozen fruits with liquid packing media in containers the quantity of the contents of which is 11 pounds or more or in containers the quantity of the contents of which is less than 11 pounds are fills such that the maximum put-in weights of liquid packing media, calculated as percent by weight of the combined weights of fruit ingredient and liquid packing medium, do not exceed the percent specified for each of the following fruit ingredients:

| Fruit ingredient:                                     |    | Maximum percent by weight of put-in liquid packing medium in combined weights of fruit ingredient and liquid packing medium |
|---|----|---|
| Apricots, peeled sliced                               | 25 |   |
| Apricots, unpeeled sliced                             | 25 |   |
| Apricots, peeled sliced                               | 30 |   |
| Apricots, unpeeled sliced                             | 30 |   |
| Apricots, peeled quartered                            | 35 |   |
| Apricots, unpeeled quartered                          | 35 |   |
| Apricots, peeled halved                               | 35 |   |
| Apricots, unpeeled halved                             | 35 |   |
| Apricots, peeled whole                                | 37 |   |
| Apricots, unpeeled whole                              | 37 |   |
| Apricots, peeled pitted                               | 30 |   |
| Apricots, unpeeled pitted                             | 30 |   |
| Apricots, peeled pieces of irregular sizes and shapes | 30 |   |

| Fruit ingredient:   |    | Maximum percent by weight of put-in liquid packing medium in combined weights of fruit ingredient and liquid packing medium |
|---|----|---|
| Apricots, unpeeled pieces of irregular sizes and shapes             | 30 |   |
| Blackberries  | 25 |   |
| Blueberries   | 25 |   |
| Boyenberries  | 25 |   |
| Cherries, dark sweet pitted   | 25 |   |
| Cherries, dark sweet partially pitted                               | 25 |   |
| Cherries, dark sweet unpitted                                       | 25 |   |
| Cherries, light sweet pitted  | 25 |   |
| Cherries, light sweet partially pitted                              | 25 |   |
| Cherries, light sweet unpitted                                      | 25 |   |
| Cherries, red sour (or red tart) pitted                             | 25 |   |
| Cherries, red sour (or red tart) partially pitted                   | 25 |   |
| Cherries, red sour (or red tart) unpitted                           | 25 |   |
| Currants, stemmed   | 25 |   |
| Gooseberries  | 25 |   |
| Graes, stemmed  | 25 |   |
| Huckleberries   | 25 |   |
| Loganberries  | 25 |   |
| Nectarines, sliced  | 25 |   |
| Nectarines, sliced  | 30 |   |
| Nectarines, quartered   | 35 |   |
| Nectarines, halved  | 35 |   |
| Nectarines, whole   | 37 |   |
| Nectarines, pitted  | 35 |   |
| Nectarines, pieces of irregular sizes and shapes                    | 30 |   |
| Freestone peaches, sliced   | 25 |   |
| Freestone peaches, sliced   | 31 |   |
| Freestone peaches, quartered  | 35 |   |
| Freestone peaches, halved   | 35 |   |
| Freestone peaches, whole  | 37 |   |
| Freestone peaches, pitted   | 35 |   |
| Freestone peaches, pieces of irregular sizes and shapes             | 30 |   |
| Cling (or clingstone) peaches, sliced                               | 25 |   |
| Cling (or clingstone) peaches, sliced                               | 31 |   |
| Cling (or clingstone) peaches, quartered                            | 35 |   |
| Cling (or clingstone) peaches, halved                               | 35 |   |
| Cling (or clingstone) peaches, whole                                | 37 |   |
| Cling (or clingstone) peaches, pitted                               | 35 |   |
| Cling (or clingstone) peaches, pieces of irregular sizes and shapes | 30 |   |
| Plums, sliced   | 30 |   |
| Plums, halved   | 30 |   |
| Plums, pitted   | 30 |   |
| Plums, unpitted   | 35 |   |
| Raspberries, red  | 20 |   |
| Raspberries, black  | 25 |   |
| Rhubarb   | 20 |   |
| Strawberries, sliced  | 25 |   |
| Strawberries, whole   | 30 |   |
| Youngberries  | 25 |   |
| Mixed fruits  | 30 |   |

(b) If a frozen fruit fails to meet the requirements of paragraph (a) of this section, the label shall bear the statement of substandard fill, in the manner and form specified in § 10.2 (b) of this chapter, with the additional statement "Contains excess water" as a second line in the rectangle.

Any interested person whose appearance was filed at the hearing may within 45 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Office of the General Counsel, Room 5109, Federal Security Building, Fourth Street and Independence Avenue, SW., Washington,

D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in triplicate.

Dated: September 26, 1950.

[SEAL] JOHN L. THURSTON,  
*Acting Administrator.*

[F. R. Doc. 50-8658; Filed, Oct. 3, 1950;  
8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. II]

[No. 28310]

### CONSOLIDATED FREIGHT CLASSIFICATION NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 29, 1950.

The notice of proposed rule making dated August 17, 1950, in the above-entitled proceeding is hereby amended as follows:

Those parties desiring copies of verified statements of respondent railroads should immediately make request therefor to Edwin A. Lucas, Chairman Eastern

Law Committee, Pennsylvania Railroad Company, 1740 Broad Street Station Building, Philadelphia 4, Pennsylvania.

Notice to the general public will be given by depositing a copy of this amendment to the notice of August 17, 1950, in the office of the Secretary of the Commission, for public inspection, by filing copy of the notice with the Director, Division of the Federal Register, and by serving copies on the parties of record in this proceeding.

By Division 2.

[SEAL] W P BARTEL,  
*Secretary.*

[F. R. Doc. 50-8676; Filed, Oct. 3, 1950;  
8:48 a. m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

#### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 38th Supp.]

SPRINGFIELD FIRE AND MARINE  
INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON  
FEDERAL BONDS

SEPTEMBER 28, 1950.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$2,697,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY, Jr.,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 50-8680; Filed, Oct. 3, 1950;  
8:49 a. m.]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Misc. 55192]

CALIFORNIA

#### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 27, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934, (48 Stat. 1269) as amended June 26, 1936, (49 Stat. 1976; 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

MOUNT DIABLO-MERIDIAN

T. 11 N., R. 24 E.,  
Sec. 6, lots 4 and 5.

T. 21 N., R. 18 E.,  
Sec. 7, W $\frac{1}{2}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ .

The areas described aggregate 488.24 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284) as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated

shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Sacramento, California.

ROSCOE E. BELL,  
*Associate Director*

[F. R. Doc. 50-8659; Filed, Oct. 3, 1950;  
8:47 a. m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

### ALASKA STEAMSHIP CO.

#### NOTICE OF HEARING ON AMENDMENT OF APPLICATION FOR EXTENSION OF BAREBOAT CHARTER AGREEMENT

The application of Alaska Steamship Company for extension of its bareboat charter agreement with respect to government-owned war-built dry-cargo vessels for use in the Alaska trade has been amended to include a request that applicant be permitted, during any period for which the vessels are not needed in the Alaska trade, to time charter them to Grace Line, Inc., for operation in conjunction with the C-2 vessels in the trade from the West Coast of the United States to the West Coasts of Mexico, Central America and South America, including ports in the Canal Zone and the Caribbean now served by four C1-MAV-1 vessels chartered from the government. The consolidated hearing scheduled to be held on October 10, 1950, upon said application and an application of Coastwise Line (15 F. R. 6001 and 6298) will embrace such amendment.

Dated: September 29, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,  
Secretary.

[F. R. Doc. 50-8707; Filed, Oct. 2, 1950; 1:28 p. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-219]

### ACCIDENT OCCURRING NEAR EAGLE, COLO.

#### NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-90705, which occurred near Eagle, Colorado, on August 22, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, October 6, 1950, at 9:00 a. m. (local time) in the Junior Ballroom, Hotel Tulsa, Tulsa, Oklahoma.

Dated at Washington, D. C., September 29, 1950.

[SEAL] ROBERT W. CHRISP,  
Presiding Officer.

[F. R. Doc. 50-8662; Filed, Oct. 3, 1950; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7179, 7180, 7441]

EASTON PUBLISHING CO. ET AL

### ORDER CONTINUING HEARING

In re applications of Easton Publishing Company, Easton, Pennsylvania, Docket No. 7179, File No. BP-4212; Allentown Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 7180,

File No. BP-4374; Associated Broadcasters, Inc. (West), Easton, Pennsylvania, Docket No. 7441, File No. BP-4517; for construction permits.

The Commission having under consideration a petition filed September 15, 1950, by Easton Publishing Company, one of the above named applicants, requesting that the consolidated hearing now scheduled to begin October 11, 1950, be postponed until an appropriate date, at least sixty days subsequent to the date of the decision of the United States Court of Appeals for the District of Columbia Circuit in proceedings now pending before such Court involving the subject matter of the hearing before this Commission; and

It appearing, that such proceedings before the Court of Appeals were argued on May 29, 1950, and it is desirable that the same be decided prior to the hearing in the instant proceedings; and

It further appearing, that the other applicants join in the request for postponement, and no objection to the requested postponement has been filed by the General Counsel;

It is ordered, This 22d day of September 1950, that the hearing in this proceeding now scheduled for October 11, 1950, be, and the same is hereby continued, to a date not less than sixty days after the decision of the United States Court of Appeals for the District of Columbia Circuit, in the proceedings now before it involving the parties to this proceeding, to be hereafter fixed.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8664; Filed, Oct. 3, 1950; 8:47 a. m.]

[Docket No. 9319]

### RADIO STATION WISE, INC. (WISE)

#### ORDER SCHEDULING HEARING

In re application of Radio Station WISE, Inc. (WISE) Asheville, North Carolina, for construction permit; Docket No. 9319, File No. BP-7132.

The Commission having under consideration the above-entitled application; and

It appearing, that on July 7, 1950, the hearing upon the above-entitled application was continued indefinitely pending action on a petition for reconsideration and grant without hearing; and that on September 6, 1950, the said petition for reconsideration and grant was denied;

It is ordered, This 22d day of September 1950, that the hearing upon the above-entitled application is scheduled for 10:00 a. m., Monday, December 18, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8666; Filed, Oct. 3, 1950; 8:47 a. m.]

[Docket No. 9543]

### STATION KPAB

#### ORDER SCHEDULING FURTHER HEARING

In the matter of revocation of license of Station KPAB, Laredo, Texas; Docket No. 9543.

The Commission having under consideration the above-entitled matter; and

It appearing, that on August 4, 1950, the presiding Commissioner reopened the record in the proceeding for further hearing to be held at a time and place to be later scheduled;

It is ordered, This 22d day of September 1950, that the further hearing in the above-entitled matter is scheduled to be held at 10:00 a. m., Friday, October 27, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8367; Filed, Oct. 3, 1950; 8:47 a. m.]

[Docket No. 9634]

### SEVIER VALLEY BROADCASTING CO. (KSVC)

#### ORDER CONTINUING HEARING

In re application of Sevier Valley Broadcasting Company (KSVC) Richfield, Utah, for renewal of license; Docket No. 9634, File No. BR-2232.

The Commission having under consideration a petition filed September 19, 1950, by Sevier Valley Broadcasting Company (KSVC) Richfield, Utah, requesting that the hearing on the above-entitled application presently scheduled in Richfield, Utah for October 9, 1950, be continued for 30 days; and

It appearing, that there are no parties to this proceeding other than the applicant, and Commission Counsel has indicated he has no objection to the requested continuance and has consented to a waiver of \$1,745 of the Commission's rules and regulations so as to permit early consideration of this petition; and that good and sufficient cause has been shown in the petition for a grant thereof;

It is ordered, This 22d day of September 1950, that the petition is granted, and the hearing in the above-entitled matter is hereby continued to 10:00 o'clock a. m., Wednesday, November 8, 1950, in Richfield, Utah.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,  
Acting Secretary.

[F. R. Doc. 50-8363; Filed, Oct. 3, 1950; 8:47 a. m.]

[Docket No. 9655]

### PARIS BROADCASTING CORP.

#### ORDER SCHEDULING HEARING

In re application of Paris Broadcasting Corporation, Paris, Illinois, for con-



struction permit; Docket No. 9655, File No. BP-7496.

The Commission having under consideration the above-entitled application; and

It appearing, that, on August 22, 1950, the hearing upon the above-entitled application was continued indefinitely pending action on a petition for reconsideration and grant without hearing; and that on September 6, 1950, the said petition for reconsideration and grant was denied;

*It is ordered*, This 22d day of September 1950, that the hearing upon the above-entitled application is scheduled for 10:00 a. m., Wednesday, October 25, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WILLIAM P. MASSING,  
*Acting Secretary.*

[F. R. Doc. 50-8665; Filed, Oct. 3, 1950;  
8:47 a. m.]

CLASS B FM BROADCAST STATIONS  
AMENDMENT OF REVISED TENTATIVE  
ALLOCATION PLAN

In the matter of amendment of revised tentative allocation plan for Class B FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration an amendment of its revised tentative allocation plan for Class B FM broadcast stations, to the extent that Channel 247 will be allocated to Carmi, Illinois; and

It appearing, that there is now pending before the Commission an application for a Class B FM station at Carmi, Illinois; that there are no other applications pending for Class B FM facilities at Carmi, Illinois; that no Class B FM channel has been allocated to Carmi, Illinois; that Channel 247, which is presently unallocated in this area, could be allocated to Carmi, Illinois; that the operation of a station on Channel 247 at Carmi, Illinois, would not cause objectionable interference to any station, existing, proposed or contemplated by present allocations; that in addition to Channel 247 there is at least one other channel which is presently unallocated in this area and which could be allocated to Carmi, Illinois; that the adoption of the proposed amendment will increase the number of channels allocated to Carmi, Illinois, will not reduce the number of channels allocated to any other city, and will not require a change in the channel assignment of any existing FM authorization; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c) (d) (f), and (r) and 307 (b) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective immediately, the revised tentative allocation plan for Class B FM broadcast stations is amended so that the allocation of Channel No. 247 to Carmi, Illinois, is included therein.

Released: September 25, 1950.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
*Acting Secretary.*

[F. R. Doc. 50-8673; Filed, Oct. 3, 1950;  
8:48 a. m.]

CLASS B FM BROADCAST STATIONS  
CHANGE OF CHANNEL ALLOCATIONS

In the matter of amendment of revised tentative allocation plan for Class B FM Broadcast stations to change channel allocations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration an amendment to its revised tentative allocation plan for Class B FM stations to change the FM allocation plan as follows:

| General area           | Channel No. |       |
|------------------------|-------------|-------|
|                        | Delete      | Add   |
| Knoxville, Tenn.....   | 262         | ----- |
| Lenoir City, Tenn..... | -----       | 262   |

It appearing, that of the six Class B Channels heretofore allocated to Knoxville, Tennessee, two are presently assigned; that no Class B applications, save an application for the use of Channel 262 at Lenoir City, Tennessee, approximately 23 miles southwest of Knoxville, are pending; that deletion of Channel 262 will leave three vacant Class B channels for use in Knoxville; that 2 previously issued construction permits for Class B stations be located in Knoxville have been surrendered for cancellation; and that deletion of channel 262 from Knoxville will not adversely affect to an appreciable extent, any existing stations, applicants or the public; and

It further appearing, that there is now pending before the Commission an application for a Class B FM station at Lenoir City, Tennessee; that there are no other applications pending for Class B FM facilities at Lenoir City, Tennessee; that no Class B FM channel has been allocated to Lenoir City, Tennessee; that the operation of a station on Channel 262 at Lenoir City, Tennessee would not cause objectionable interference to any station, existing, proposed or contemplated by present allocations; that in addition to Channel 262 there is at least one other channel which is presently unallocated in this area and which could be allocated to Lenoir City, Tennessee; that the adoption of the proposed

amendment will not require a change in the channel assignment of any existing FM authorization; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c) (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective immediately, the revised tentative allocation plan for Class B FM broadcast stations is amended so that the allocation plan is changed as follows:

| General area           | Channel No. |       |
|------------------------|-------------|-------|
|                        | Delete      | Add   |
| Knoxville, Tenn.....   | 262         | ----- |
| Lenoir City, Tenn..... | -----       | 262   |

Released: September 25, 1950.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
*Acting Secretary.*

[F. R. Doc. 50-8672; Filed, Oct. 3, 1950;  
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6313]

GULF PUBLIC SERVICE CO., INC.

ORDER EXTENDING TIME TO FILE RESPONSE  
AND POSTPONING DATE OF HEARING

SEPTEMBER 28, 1950.

On September 22, 1950, Gulf Public Service Company, Inc. (Gulf Public) filed herein a motion for a thirty day extension of time to respond to the order to show cause entered on September 12, 1950, and for postponement of the hearing set for October 4, 1950, until thirty days after the due date of the response.

The Commission finds: Good cause exists for the requested extension of time for filing the response and postponement of the date of hearing.

The Commission orders: The time within which Gulf Public shall file its response to the order to show cause and to the Staff report in this matter is hereby extended to October 25, 1950, and the public hearing in this matter is hereby postponed to November 20, 1950, commencing at 10:00 a. m. (e. s. t.), in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of Issuance: September 28, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 50-8657; Filed, Oct. 3, 1950;  
8:46 a. m.]



# GOVERNMENT PATENTS BOARD

[Admin. Order 3]

OFFICE OF THE CHAIRMAN

ORGANIZATION AND FUNCTIONS

**SECTION 1. Purpose.** The purpose of this order is to establish the organization necessary to carry out the functions assigned to the Chairman of the Government Patents Board by Executive Order 10096 (15 F. R. 389) dated January 23, 1950.

**SEC. 2. Establishment and functions of the Office of the Chairman.** (a) There is hereby established an Office of the Chairman of the Government Patents Board. The internal organization of the Office of the Chairman shall consist of the following:

- (1) Office of the Chairman.
- (2) Office of the General Counsel.
- (3) Analyses and Review Section.
- (4) Index Section.
- (5) Administrative Services Section.

(b) The Office of the Chairman of the Government Patents Board will: (1) Consult and advise with Government agencies concerning the application and operation of the policies outlined in Executive Order 10096, dated January 23, 1950.

(2) After consultation with the Government Patents Board, formulate and submit to the President for approval such proposed rules and regulations as may be necessary or desirable to implement and effectuate the aforesaid policies, together with the recommendations of the Government Patents Board thereon.

(3) Submit annually a report to the President concerning the operation of such policies and from time to time such recommendations for modification thereof as may be deemed desirable.

(4) Determine with finality any controversies or disputes between any Government agency and its employees, to the extent submitted by any party to the dispute, concerning the ownership of inventions made by such employees or rights therein.

(5) Review the action of the Government agency concerned in any case falling within the scope of paragraph 1 (b) or paragraph 1 (d) of Executive Order 10096, dated January 23, 1950.

(6) Subject to considerations of national security, or public health, safety or welfare, and in accordance with paragraph 2 (a) of Executive Order 10096, dated January 23, 1950, cause application for patent to be filed or cause the invention to be fully disclosed by publication thereof if the Chairman determines that the interest of the Government so requires.

(7) Subject to considerations of national security, or public health, safety or welfare, arrange for all rights of the United States or any Government agency in and to each invention made by a Government employee, including licenses, to be indexed.

(8) Subject to considerations of national security, or public health, safety or welfare, and under arrangements

made and policies adopted by the Chairman, as to each invention made by a Government employee which is owned by the United States or any Government agency and as to each invention made by a Government employee in or to which the United States or any Government agency has a right or interest and which has been patented or published, make available copies, summaries, analyses and abstracts thereof to all Government agencies and to public libraries, universities, trade organizations, scientists and scientific groups, industrial and commercial organizations, and all other interested groups of persons.

(9) Be responsible for the functions and duties of the Secretary of Commerce and the Department of Commerce under the provisions of Executive Order 9865, dated June 14, 1947, which were transferred to the Chairman by paragraph 5 of Executive Order 10096, dated January 23, 1950. The whole or any part of such functions and duties may be delegated by the Chairman to any Government agency or officer.

ARCHIE M. PALMER,  
Chairman.

SEPTEMBER 25, 1950.

[F. R. Doc. 50-8661; Filed, Oct. 3, 1950; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25444]

PIG IRON FROM TEXAS TO GARY, IND.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star and McCrossin, Tex.

To: Gary, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 491.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-8649; Filed, Oct. 3, 1950; 8:45 a. m.]

[4th Sec. Application 25445]

CEDAR LOGS FROM TENNESSEE TO  
ALTAVISTA, VA.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Southern Railway Company and Tennessee Central Railway Company.

Commodities involved: Cedar logs, carloads.

From: Points in Tennessee.

To: Altavista, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 890, Supplement 165.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-8650; Filed, Oct. 3, 1950; 8:45 a. m.]

[4th Sec. Application 25446]

CHLORINATED CALIPHENE FROM BRUNSWICK, GA., TO THE WEST

APPLICATION FOR RELIEF

SEPTEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

## NOTICES

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Chlorinated camphene, carloads.

From: Brunswick, Ga.

To: Denver, Colo., Lockridge, Iowa, Winona, Minn., and St. Joseph, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supplement 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary be-

fore the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-8651; Filed, Oct. 3, 1950;  
8:45 a. m.]

[4th Sec. Application 25447]

PETROLEUM PRODUCTS FROM ARKANSAS TO  
ARKANSAS AND MISSOURI

APPLICATION FOR RELIEF

SEPTEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of the Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application.

Commodities involved: Petroleum products, carloads.

From: Points in Arkansas.

To: Points in Arkansas and Missouri.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3793 and 3585, Supplements 33 and 428, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

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8:45 a. m.]